

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

- - -

RELIGIOUS TECHNOLOGY CENTER,)
A California Non-Profit Religious)
Corporation; CHURCH OF SCIIENTOLOGY)
INTERNATIONAL, A California)
Non-Profit Religious Corporation;)
And CHURCH OF SCIIENTOLOGY OF)
CALIFORNIA, A California Non-Profit)
Religious Corporation,)

Plaintiffs,)

vs.)

No. BC 033035

JOSEPH A. YANNY, an individual, and)
JOSEPH A. YANNY, a Professional Law)
Corporation,)

Defendants.)
-----)

VOLUME 2

DEPOSITION OF

AYLSWORTH CRAWFORD (FORD) GREENE

SAN FRANCISCO, CALIFORNIA

FEBRUARY 5, 1992

ATKINSON-BAKER AND ASSOCIATES, INC.
CERTIFIED SHORTHAND REPORTERS
1612 West Olive Avenue, Suite 203
Burbank, California 91506
(818) 566-8840

REPORTED BY: SHEENAGH M. CARLSON, CSR NO. 8350

FILE NO.: 92-01131

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ORIGINAL

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JOSEPH A. YANNY, an individual, and)
JOSEPH A. YANNY, a Professional Law)
Corporation,)

Defendants.)

Deposition of Ford Greene, taken on behalf of
the Plaintiffs, at 601 California Street, Suite
1900, San Francisco, California, commencing at 10:00
a.m., Wednesday, February 5, 1992, before Sheenagh
M. Carlson, CSR #8350.

A P P E A R A N C E S

FOR THE PLAINTIFF
CHURCH OF SCIENTOLOGY OF CALIFORNIA:
BOWLES & MOXON
BY: LAURIE J. BARTILSON, ESQ
6255 Sunset Boulevard
Suite 2000
Hollywood, California 90028

FOR THE DEFENDANT:
LEWIS, D'AMATO, BRISBOIS & BISGAARD
BY: DAVID PARKER, ESQ.
221 North Figueroa Street
Suite 1200
Los Angeles, California 90012

IN PRO PER:
FORD GREENE
Attorney at Law
711 Sir Francis Drake Blvd.
San Anselmo, California 94960-1949

Also Present: Matt Ward, Paralegal

I N D E X

WITNESS: FORD GREENE

EXAMINATION

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BY MS. BARTILSON

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BY MR. PARKER

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EXHIBITS:

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INFORMATION TO BE SUPPLIED:

(None)

1 FORD GREENE,

2 having first been duly sworn, was
3 examined and testified as follows:

4 EXAMINATION

5 BY MS. BARTILSON:

6 Q. Could you state and spell your full
7 name for the record, please?

8 A. Sure. My full name is Aylsworth
9 Crawford Greene, the Third. That's spelled
10 A-Y-L-S-W-O-R-T-H, cap C-R-A-W-F-O-R-D, Greene with
11 and ^{FG} "E" on the end, and I go by and am known by the
12 nickname Ford, which is the last half of Crawford.

13 Q. Mr. Greene, are you appearing here
14 today pursuant to subpoena?

15 A. No, I'm not. I'm appearing here
16 pursuant to agreement and an order of Judge Raymond
17 Cardenas that was issued, I believe, last Thursday
18 in court in Los Angeles Superior Court.

19 Q. So when you refer to an agreement, are
20 you speaking of an agreement that you previously
21 made with counsel for Mr. Yanny concerning the date
22 and time of your deposition?

23 A. I agreed with Graham Berry to make
24 myself available on today's date for my deposition
25 to be taken in the same way which I had attempted to

1 arrange with dates with you previously from October
2 through January.

3 Q. I see. And did you at any time
4 receive a subpoena for your deposition in this case?

5 A. Have I ever been served with a
6 deposition subpoena to appear and testify? That is
7 correct, yes, I have. I was served by August Murphy
8 of the Scientology office here in San Francisco
9 towards the end of September 1991 to appear on
10 October 9, 1991, either at 10 in the morning or 2:00
11 in the afternoon. And Gerald Armstrong was served
12 to appear the same day, either 10 or 2:00. I don't
13 remember who was set for what.

14 Q. You don't remember the exact date of
15 your service?

16 A. When I was served? If I could make an
17 estimation, my recollection is 9/27, but that may be
18 incorrect.

19 Q. Okay. Now, Mr. Greene, you're an
20 attorney?

21 A. I am an attorney.

22 Q. And you're licensed to practice here
23 in California?

24 A. State license 107601, yes.

25 Q. So in the course of your career as an

1 attorney, you had the occasion to take depositions;
2 is that correct?

3 A. Yes.

4 Q. You've been present at depositions of
5 other people?

6 A. Yes.

7 Q. All right. Just very briefly, then,
8 I'll review with you the ground rules. I know
9 you're very familiar with them, so this should be a
10 simple task.

11 You're aware that the court reporter sitting
12 to my right and your left is transcribing everything
13 we say. So because we're trying to get a verbatim
14 transcription, it's important to both give verbal
15 answers and to wait until a question has been
16 completed before beginning an answer, since she
17 cannot transcribe two people talking at once.

18 A. I don't know which thing you are
19 referring to, but I am familiar with deposition
20 procedures, yes.

21 Q. Okay. I can count on you to give
22 verbal rather than non-verbal responses to
23 questions?

24 A. I hope so.

25 Q. If at any time you need a break, want

1 to get a cup of coffee, stretch your legs, let me
2 know. We'll be happy to accommodate you.

3 After the deposition transcript has been
4 transcribed, you will have an opportunity to review
5 the transcript, make any changes you wish to make at
6 that time. You're aware of that?

7 A. Yes. And with respect to that, you
8 and I had a conversation prior to the commencement
9 of this deposition this morning wherein you agreed
10 that it would be acceptable for my review of my
11 deposition transcript to be conducted pursuant to a
12 copy provided to me by the Lewis, D'Amato firm, so
13 that I will not have to go into the court reporter's
14 office to do so; isn't that right?

15 Q. That's correct.

16 A. Okay.

17 Q. And you're aware that your testimony
18 today is under oath, the same as if you were in a
19 court of law?

20 A. I am.

21 Q. And that any changes that you choose
22 to make though to the transcript can be commented on
23 by the attorneys in this case, so it is important
24 for you today to give your best testimony, according
25 to your best recollection?

1 A. Indeed.

2 Q. Mr. Greene, are you taking any
3 medication at this time?

4 A. At this time am I under the influence
5 of any medication? No, I am not.

6 Q. All right. Is there anything that you
7 have taken in the recent past that would in some
8 fashion impair your memory or your ability to
9 testify here today?

10 A. Well, that question assumes a fact not
11 in evidence, mainly that I've taken something
12 before, because you asked me "anything" ^{EG} else. So I
13 would object on that basis and try to clarify your
14 improper question and tell you that there is no
15 medication, no substance, no stress, no anything
16 that prevents me from giving my best, full, accurate
17 and complete testimony here today.

18 Q. Thank you. Any reason not to begin
19 questioning?

20 A. You may proceed, Counsel.

21 Q. All right. Mr. Greene, before coming
22 here today, did you have any occasion to discuss
23 this deposition with anyone?

24 A. I had occasion to mention that my
25 deposition was going to be taken today, yes.

1 Q. To whom?

2 A. Let's see. I mentioned it to Gerald
3 Armstrong, to Arthur Wachtel, W-A-C-H-T-E-L, and to
4 Laurie Schryver, S-C-H-R-Y-V-E-R.

5 MR. PARKER: I assume the question doesn't
6 include the hearing on Thursday where it was
7 mentioned to a lot of people?

8 BY MS. BARTILSON:

9 Q. Mr. Greene, were you present at that
10 hearing?

11 A. I was present at that, yes. I should
12 include that that's correct. I mean there's a whole
13 courtroom of people there, most of whom I did not
14 know, but of course included in that would be
15 William Drescher, Marty Rathbun, Joe Yanny, Graham
16 Berry, Mr. Parker, Judge Cardenas, his staff, the
17 court reporter.

18 Q. All right. Leaving aside for the
19 moment your appearance in Judge Cardenas's court
20 last Thursday, is there anyone else that you can
21 recall with whom you discussed your deposition here
22 today?

23 A. Counsel, that's not my testimony.
24 It's that I mentioned that I was going to be
25 deposed. I have not testified that I have discussed

1 my deposition testimony with anyone. So the answer
2 to your question is no.

3 And also, I've just -- for the record, I'm
4 going to impose an objection that it
5 mischaracterizes my testimony and assumes a fact not
6 in evidence. There's no foundation.

7 Q. Mr. Greene, did you discuss the
8 testimony that you intended to give at this
9 deposition with anyone prior to coming here today?

10 A. Well, that assumes a fact in evidence,
11 Counsel, that I intend to give any particular
12 testimony. And since I'm not taking this
13 deposition, I have no idea what kind of questions
14 you're going to ask me. So the question is no -- or
15 the answer, rather, is no.

16 And to clarify and simplify what you're
17 trying to get at, if your question is did I discuss
18 the substance of my testimony here today with
19 anybody prior to this deposition, the answer is no.

20 Q. Did you mention that you were going to
21 be deposed her today, to use your words, to Richard
22 Aznaran, A-Z-N-A-R-A-N?

23 A. I would object to that based on the
24 attorney-client privilege as well as work product
25 privilege and I refuse to answer.

1 Q. Did you mention that you were going to
2 be deposed today to Vicki Aznaran?

3 A. Same objections, same answer, same
4 refusal.

5 Q. Did you review any documents in
6 preparation for this deposition?

7 A. No.

8 Q. Other than mentioning to Gerald
9 Armstrong that you were going to be deposed today,
10 did you have any substantive discussion with him at
11 all concerning what you expected to be the subject
12 matter of the deposition?

13 A. Objection, attorney-client privilege,
14 work product privilege, refuse to answer.

15 Q. Is Gerald Armstrong your client?

16 A. Yes.

17 Q. When did Mr. Armstrong become your
18 client?

19 A. Objection, attorney-client privilege,
20 work product privilege. I refuse to answer.

21 Q. You're not going to tell me on what
22 date you were retained by Mr. Armstrong; is that
23 correct?

24 A. You have my answer.

25 Q. You represent Vicki J. Aznaran and

1 Richard N. Aznaran in a case Aznarans versus Church
2 of Scientology in the United States District Court
3 in the State of California; is that correct?

4 A. In which you affirmed yourself and
5 your position Counsel, that is correct as you know.

6 Q. When did you begin that
7 representation, Mr. Greene?

8 A. I object to that. Attorney-client
9 privilege, work product privilege. Additionally,
10 the substitution of attorney, which your firm has
11 been served, and I suggest you consult them.

12 Q. Mr. Greene, a little bit ago you were
13 complaining that there was no foundation. I'm
14 trying to lay a little foundation as to your
15 familiarity to the events in the case, and you
16 won't, again, tell me when you first began
17 representing the Aznarans?

18 A. Counsel, objection. The question is
19 argumentative and again, my answer stands. And my
20 substitution as attorney of record for Richard and
21 Vicki J. Aznaran is a matter of public record.

22 Q. That was in February of 1989, wasn't
23 it Mr. Greene?

24 A. I would have to rely on the document
25 and it was sometime in the first quarter of 1989,

1 that is correct.

2 Q. And at some point, did you cease to
3 represent Vicki and Richard Aznaran in that case?

4 A. Yes.

5 Q. When was that?

6 A. I'm not really sure. Sometime from --
7 range would be from May to July 25th, 1991.

8 Q. And on or about July 25th, 1991 you
9 again became counsel of record for the Aznarans in
10 that case?

11 A. Approximately, that's correct.

12 Q. Mr. Greene, are you familiar with the
13 defendant in this case, Joseph Yanny?

14 A. Do I know ~~Joey~~^{FG} Yanny, yes.

15 Q. Have you had the opportunity to read
16 the Complaint in this case?

17 A. No. Let me -- I may have read it.
18 I'm not sure. I've not sure whether I've read the
19 Complaint in this or it was in Yanny one. So I may
20 have, but I don't think so, although my
21 understanding is that it -- the case has to do with
22 some -- some similarity to the first Yanny case,
23 namely alleged breaches by Mr. Yanny of duties that
24 he owed to the Scientology organization in
25 consequence of his former representation thereof.

1 But I don't think I've read the Complaint in this
2 case.

3 Q. Fair enough.

4 A. But I may have.

5 Q. Now, you knew before you substituted
6 into the Aznaran case in the first quarter of 1989
7 that Yanny had formerly been an attorney for
8 Religious Technology Center, Church of Scientology
9 International and Church of Scientology of
10 California, the plaintiffs in this case, didn't you?

11 A. Objection, compound. ~~That~~ *FB*

12 *N*otwithstanding the objection, no.

13 Q. Did you at some point discover that to
14 be the case?

15 A. That Joseph Yanny had represented the
16 Scientology organization? Yes.

17 Q. And when you refer to the Scientology
18 organization, you're using that as a shorthand for
19 the Plaintiffs in this case, Religious Technology
20 Center, Church of Scientology International and
21 Church of Scientology of California?

22 A. No, I am not using it as shorthand.
23 I'm using it as a more accurate description of the
24 unitary nature of various claimed corporate
25 entities, which in my opinion constitute one

~~unidentified~~ ^{unified} organization controlled from the top,
irregardless of their asserted corporate structure.

Q. So when I say the scientology
organization, I am referring to the Plaintiffs here
as well as any other organizations that are
controlled, dominated, manipulated and used by the
leaders of the scientology organization.

MS. BARTILSON: I'll move to strike that
answer as non-responsive.

Q. We're all aware of your ^{interesting FG} ~~interest in~~
legal theories, Mr. Greene, but you're aware, are
you not, that the plaintiffs in this case are the
Religious Technology Center, Church of Scientology
International and Church of Scientology of
California?

A. No. As I said, I don't believe I've
reviewed the Complaint in this case and I don't know
who the plaintiffs are. I know that the plaintiff
is the scientology organization and the defendant is
Joseph Yanny.

Q. All right. Well, when I refer to the
plaintiffs in this case, I am referring to the named
parties in the case, Religious Technology Center,
Church of Scientology International and my client,
Church of Scientology of California.

1 So, when I ask you a question about the
2 plaintiffs in this case, that's who I'm asking
3 about; okay?

4 A. That is fine. I just would -- that's
5 fine. That's fine.

6 Q. Very good. When did you first learn
7 that Joseph Yanny had formerly been counsel for the
8 plaintiffs in this case?

9 A. Sometime in the first quarter of '89.

10 Q. And it's your testimony this was after
11 you had undertaken representation of the Aznarans
12 that you had discovered this?

13 A. I don't know.

14 Q. From whom did you find out?

15 A. I refuse to answer. Attorney-client,
16 attorney work product privilege.

17 Q. At this time, in the first quarter of
18 1989 when you found out from whatever source that
19 Mr. Yanny had formerly been counsel for the
20 Plaintiffs, you also became aware that his
21 representation had been very extensive and broad,
22 didn't you?

23 A. No.

24 Q. When did you learn --

25 A. Also -- also, I'm going to object it's

1 vague and ambiguous. What is extensive and broad?
2 Calls for me to speculate as to what the nature of
3 his relationship is with Scientology or was with
4 Scientology, and there's no foundation.

5 MR. PARKER: I also object to the form
6 because the question assumes that that was the
7 nature of the relationship and inquires as to
8 whether you knew that to be true.

9 THE WITNESS: Yes, I'll join in that
10 objection as well.

11 MS. BARTILSON: Well, this is cross
12 examination, Counsel.

13 MR. PARKER: I'm entitled to register my
14 form of objections. I have.

15 MS. BARTILSON: Very good.

16 Q. What, if anything, did you learn about
17 his representation of the plaintiffs, Mr. Greene?

18 A. That it had existed.

19 Q. Did you become informed as to what
20 cases Mr. Yanny had represented the plaintiffs in?

21 A. No.

22 Q. Did you find out what percentage of
23 Mr. Yanny's -- did you at any time -- let me make
24 this clear.

25 Did you at any time find out what percentage

1 of Mr. Yanny's practice had been devoted to
2 representation of the plaintiffs?

3 MR. PARKER: Objection. The question is
4 ambiguous as to what percentage of what point of
5 time? Obviously it's over a period of years, so
6 your question is ambiguous.

7 THE WITNESS: I'll join in the objection.
8 At some point -- I'm not sure. I just don't know
9 how much. I don't think I ever really knew what
10 percentage when, generally or specifically. It's my
11 understanding that Joseph Yanny worked for
12 Scientology and I certainly, having now litigated
13 against Scientology for three years, ^{have FG} come to the
14 conclusion that it's -- that working for the
15 organization would be extremely demanding. But I
16 really don't know what kind of demands were made on
17 Mr. Yanny's time.

18 BY MS. BARTILSON: Q. Have you ever learned
19 what sort of cases it was that Yanny handled for the
20 plaintiffs?

21 A. I'm going -- I don't know what you
22 mean by the term "learned." So, interposing an
23 objection of no foundation, vague and ambiguous, the
24 answer is no.

25 However, what I can tell you is that based

1 on my knowledge of Yanny's copywriting type of
2 practice, my conclusion would be that it has to do
3 with those kinds of things. But that's just my own
4 conclusion based on the fact that I'm aware that Joe
5 Yanny engages in that type of representation and I
6 don't believe he was ever involved in any trench
7 warfare with the Scientology organization.

8 MR. PARKER: I'd like to reserve the right
9 at the appropriate time to move to strike the answer
10 as speculation. Secondly, just so as to not slow
11 the deposition down, I'd like to just state an
12 objection and I'll deem it a running objection, and
13 so I don't -- I only have to say it once, that is
14 the knowledge of this third party witness two and a
15 half years before the events giving rise to this
16 lawsuit about what others did, all of which at best
17 would be hearsay, is not relevant to our lawsuit.
18 It is not reasonably calculated to lead to the
19 discovery of admissible evidence.

20 MS. BARTILSON: So noted.

21 THE WITNESS: I'll join in that objection.

22 BY MS. BARTILSON: Q. Mr. Greene, have you
23 ever met with Mr. Yanny?

24 A. Yes.

25 Q. On how many occasions?

1 A. Maybe six to ten times.

2 Q. When was the first such meeting, if
3 you recall?

4 A. Oh, I clearly recall it. It was
5 during the one and only status conference before
6 Judge ~~Idamen~~ ^{Ideman F6} (phonetic) in the Aznaran case, which
7 took place approximately July 7, 1989, I believe in
8 courtroom number 6 at 312 North Spring Street in Los
9 Angeles.

10 Q. Did you have an opportunity, before or
11 after that status conference, to speak privately
12 with Mr. Yanny?

13 A. Objection, compound. I spoke with
14 him. I never had spoken with Joseph Yanny prior to
15 that.

16 Q. At the time of the status conference
17 itself, did you speak with Mr. Yanny or were you
18 simply present in the same room?

19 MR. PARKER: Okay, the question is
20 ambiguous. Whether you're asking for conversations
21 in the context of the courtroom proceedings or
22 outside of those proceedings?

23 MS. BARTILSON: Well, I guess if he said
24 beforehand he didn't, I'm asking him about during
25 the court proceedings right now.

1 THE WITNESS: Well --

2 MS. BARTILSON: I'll try and make it
3 clearer.

4 MR. PARKER: You can go to the corner of a
5 courtroom and have a private conference as opposed
6 to being on the record.

7 MS. BARTILSON: Right.

8 THE WITNESS: No, our conversations were on
9 the record.

10 BY MS. BARTILSON: Q. Did you have another,
11 any other conversations with Joe Yanny on that same
12 date after the status conference had been concluded?

13 A. Yes.

14 Q. How many?

15 A. Oh, shoot, I don't know. I mean we
16 talked. I don't know what you mean when you say how
17 many conversations. You know, I don't know whether
18 you mean, you know, each different subject is a
19 different conversation? I don't know.

20 I mean we talked about rock music, talked
21 about swimming. I made an assiduous effort to stay
22 away from anything regarding the Scientology
23 organization because I knew of -- well, I knew well
24 from representing the Aznarans, and from the court
25 filings in that case, that the relationship between

FG
1 Barry Van Sickle, partner of Cummins and White, and
2 Joseph Yanny caused the disqualification of ^{Cummins + White's} ~~this~~ FG
3 former representation of the Aznarans. And I wanted
4 to make sure -- doggone sure I didn't find myself in
5 the same boat as that.

6 Q. So during any conversations that you
7 had on July 7th, 1989, with Mr. Yanny, you did not
8 discuss Scientology; is that correct?

9 A. No, I can't recall. But based on my
10 attitude and approach towards the representation of
11 the Aznarans, I'd say that's probably right. I
12 presume that excludes on the record?

13 Q. Oh, yes.

14 A. Yes, I'm assuming that also.

15 Q. Yes, that's correct. Did you discuss
16 with Mr. Yanny anything else concerning the Aznarans
17 case?

18 A. No. I avoided it like the plague.

19 Q. When was the next time you met with
20 Mr. Yanny?

21 A. I don't recall.

22 Q. Approximately how long after the
23 status conference was it that you next saw
24 Mr. Yanny?

25 A. I really don't recall.

1 Q. Six months?

2 A. I don't recall.

3 Q. When was the last time you saw
4 Mr. Yanny, excluding for the moment last Thursday's
5 appearance before Judge Cardenas, if that happened
6 to be the time?

7 A. I don't recall. It would have been --
8 and I can give you the circumstances, I can't give
9 you the date. It was a Greatful Dead concert.

10 Q. Where was the concert?

11 A. Greek Community Theater, Berkeley.

12 Q. When you met with Yanny at the
13 Greatful Dead concert, did you have any occasion to
14 discuss the Aznaran's case?

15 A. Absolutely not.

16 Q. Was this during a time when you were
17 representing the Aznarans or during a time when
18 Mr. Yanny was representing the Aznarans?

19 A. That's a compound question. I
20 represented the Aznarans.

21 Q. Was it before or after Mr. Yanny had
22 entered his appearance for the Aznarans?

23 A. It was before -- after July '91,
24 probably a year before.

25 Q. To the best of your knowledge, that

1 was the last time you met with Mr. Yanny prior to
2 seeing him?

3 A. I think so.

4 Q. This Thursday?

5 A. I think so. I mean I may be wrong. I
6 mean I don't -- I don't have it indelibly burned in
7 my mind as the times I met with Joseph Yanny. I
8 remember circumstances generally, but I think that
9 was it.

10 Q. All right. So that describes two of
11 the times. You testified there were six to ten, and
12 that you remember the circumstances. Can you give
13 me the circumstances of the other times that you met
14 with
15 Mr. Yanny?

16 A. Yes. I think I met with him a couple
17 of times at the Panama Hotel in San Rafael. Went
18 swimming with him once or twice down there at
19 Hermosa Beach.

20 Q. Did you stay at his house?

21 A. Yes.

22 Q. When was that?

23 A. Well, '90 I think. Approximately.

24 Q. Did you stay at his house more than
25 once or was it just one visit?

1 A. No. I stayed at his house twice.
2 First time I stayed at his house overnight after the
3 status conference there when I met him, and then one
4 time I think about a year later.

5 Q. During any of these visits with
6 Mr. Yanny, did he discuss with you his experience as
7 counsel for the plaintiffs in this case?

8 A. No.

9 Q. Did he ever discuss with you your
10 clients, the Aznarans?

11 A. Well, he said that he knew them. Said
12 that he had a dog that they raised. Aside from
13 that, no.

14 Q. Did you ever approach him as a
15 potential witness in the Aznarans case?

16 A. Object, attorney client privilege,
17 work product privilege. Refuse to answer.

18 Q. Did you, in your capacity as counsel
19 for the Aznarans, interview Mr. Yanny?

20 A. Same objection.

21 Q. When you raised that objection,
22 Mr. Greene, just so I'm clear, are you raising it on
23 behalf on the Aznarans?

24 A. Indeed.

25 MR. PARKER: The question is ambiguous to me

1 because in California, as I understand it, the
2 lawyer is the holder of the privilege. So in this
3 case, he raises it for himself as well.

4 THE WITNESS: I'm obligated to raise it for
5 myself. It would be in violation of my professional
6 duties were I not to do so.

7 BY MS. BARTILSON: Q. Just so I am to fully
8 understand your privilege, I need to understand when
9 they were clients. That's all I'm asking.

10 A. Well, as you know, I have -- I'm the
11 attorney of record and have been for some time. But
12 for a six to two week -- six week to two months^{FG}
13 period, I have been for Richard and Vicki Aznaran.

14 Q. Right. Do you represent Joe Yanny in
15 any capacity?

16 A. As an attorney?

17 Q. Yes.

18 A. No.

19 Q. Have you ever?

20 A. No.

21 Q. So we've looked at the status
22 conference, Greatful Dead concert, two occasions,
23 approximately two occasions^{FG} when you met him in San
24 Rafael, two occasions when you stayed at his house.
25 Can you think of any other times when you met with

1 Mr. Yanny?

2 A. No.

3 Q. When you stayed at Mr. Yanny's house
4 at Hermosa Beach, was anybody else present?

5 A. Yes. I mean it's a whole
6 neighborhood. There's people all over the place.

7 Q. At Mr. Yanny's house?

8 A. I think there -- I'm not sure if she
9 stayed there or not, Christina.

10 Q. Is that Mr. Yanny's wife?

11 A. I understand she is now. I don't
12 believe she was then. She may have been. I'm not
13 sure.

14 Q. Okay. Well, let's focus for a moment
15 on the time period when you were not representing
16 the Aznarans in their Central District case, which
17 you said is from May or June of 1991 until late
18 July. Is that -- do you have that period in mind?

19 A. Yes.

20 Q. During that time period, did you speak
21 with Mr. Yanny on the telephone?

22 A. Objection, attorney-client work
23 product privilege. I refuse to answer.

24 Q. Well, I want to explore this a little
25 bit. You're welcome to raise your objection. I

1 just want to be sure to make my record.

2 Mr. Greene, approximately how many times did
3 you speak with Mr. Yanny during the time period when
4 you were not representing the Aznarans?

5 MR. PARKER: Objection. That assumes that
6 there were such conferences and you already asked
7 that question and you refused to answer.

8 THE WITNESS: That's correct.

9 MS. BARTILSON: Well, if the answer is no,
10 it's really easy to say so.

11 MR. PARKER: It is argumentative in light of
12 his previous testimony and I object to that
13 question.

14 THE WITNESS: That's correct. And I adopt
15 those objections and stand on my answer.

16 BY MS. BARTILSON: Q. During the time
17 period when you were not representing the Aznarans
18 in their Central District Court case, did you ever
19 speak with anyone from Mr. Yanny's office?

20 A. Same objections. Attorney client work
21 product privilege. I refuse to answer.

22 Q. Approximately how many times did you
23 speak with people from Mr. Yanny's office during
24 that time period?

25 A. Same objections. Same refusal.

1 Q. For each of the conversations, if any,
2 that you had with Mr. Yanny during the time period
3 when you were not representing the Aznarans, could
4 you please state for me the substance of those
5 conversations?

6 MR. PARKER: Objection. The question
7 assumes there were such conversations. The question
8 is argumentative in light of your previous
9 questions.

10 MS. BARTILSON: It doesn't say that.

11 THE WITNESS: In addition to adopting these
12 two objections, obviously, Counsel, I refuse to
13 answer based on attorney-client work product
14 privileges.

15 BY MS. BARTILSON: Q. During the time
16 period when you were not representing the Aznarans,
17 could you relate for me, please, the substance of
18 any conversations which you had with other people
19 from Mr. Yanny's office, if there were any such
20 conversations?

21 A. Same objections.

22 Q. After July of 1991, when you again
23 began representing the Aznarans, did you speak with
24 Mr. Yanny?

25 MR. PARKER: Other than what he's already

1 testified to?

2 MS. BARTILSON: He hasn't testified to any
3 times after that that he's spoken with the Aznarans.

4 MR. PARKER: Yes. He's talked about last
5 week at the courthouse. He talked about last
6 Thursday, for example.

7 MS. BARTILSON: He hasn't testified about
8 that.

9 MR. PARKER: He's testified to the fact of
10 it.

11 MS. BARTILSON: He's testified that Yanny
12 was present in a room that he was in. He still has
13 not testified about any conversations that he may
14 have had.

15 MR. PARKER: I understand, but your question
16 doesn't ask for substance.

17 MS. BARTILSON: That's right. I asked him
18 if he talked to Mr. Yanny. You're right. That's
19 what I asked.

20 MR. PARKER: It is argumentative because he
21 already answered the question. You're putting it to
22 him twice.

23 THE WITNESS: That's correct.

24 BY MS. BARTILSON: Q. So you're refusing to
25 answer the question?

1 A. It's asked and answered.

2 Q. Other than your appearance before
3 Judge Cardenas, have you spoken with Mr. Yanny
4 between the time that you were reinstated as counsel
5 of record for the Aznarans and the present?

6 A. Objection, attorney-client privilege.
7 Work product privilege. Refuse to answer.

8 Q. If during that time period that I
9 referred to in my previous question you spoke with
10 Mr. Yanny, could you please tell me the number of
11 times you spoke with him?

12 A. No foundation. Same objections.
13 Attorney-client^{4 FG} work product.

14 Q. For each conversation that you had
15 with Mr. Yanny, from the time you again began
16 representing the Aznarans until the present, could
17 you please tell me of the substance of each of those
18 conversations?

19 A. Objection, assumes facts. No
20 foundation. Attorney-client^{FG} work product.

21 Q. All right, Mr. Greene.

22 Let's mark this one. I'm going show you a
23 document.

24 A. Are you going to mark it?

25 MS. BARTILSON: I'll mark it as 1, entitled,

1 "Substitution of Attorney."

2 (Plaintiff's Exhibit No. 1 was marked for
3 identification.)

4 BY MS. BARTILSON:

5 Q. Mr. Greene, let me ask you if you
6 recognize it?

7 A. I do.

8 Q. And is that a copy of a Substitution
9 of Attorney substituting Richard N. Aznaran in pro
10 per for yourself in the Aznaran case?

11 A. Oh, without having the original I
12 can't really say that it's a copy, but it does
13 appear to be the same. So --

14 Q. Does that appear to be your signature
15 at the bottom?

16 A. Indeed.

17 Q. And the date on the document is June
18 -- beside your signature -- is June 7th, 1991; is
19 that correct?

20 A. The document speaks for itself.

21 Q. Did you prepare this document,
22 Mr. Greene?

23 A. Objection. Attorney-client work
24 product.

25 Q. Is that your name that appears in the

1 upper left-hand corner?

2 A. The document speaks for itself.

3 Q. Does that mean that you won't answer
4 the question?

5 A. Yes.

6 Q. Okay.

7 Let's mark a second exhibit here.

8 (Plaintiff's Exhibit No. 2 was marked for
9 identification.)

10 BY MS. BARTILSON:

11 Q. All right. So I've handed you another
12 document that is Exhibit 2, a single paged document
13 entitled "Substitution of Attorney Concerning Vicki
14 A. Aznaran." That is also a document you're
15 familiar?

16 A. Again, without being able to make
17 reference to the original document, I cannot say
18 whether this is a true and accurate copy. However,
19 it does appear to be a document that I have seen
20 before.

21 Q. All right.

22 A. And that is my signature in the lower
23 right-hand corner.

24 Q. Mr. Greene, did you initially suggest
25 to the Aznarans that you be relieved as counsel in

1 this case?

2 A. Counsel.

3 Q. Meaning the Aznaran case or did they
4 discuss this to you?

5 A. You know, you're a lawyer. You ought
6 to know better. I refuse to answer your obviously
7 improper questions on the basis of the
8 attorney-client privilege and the work product
9 privilege. There's no way ^o ^{FG} in God's green earth that
10 I'll ever answer that question or questions like it,
11 so I suggest that you restrain yourself from asking
12 questions which obviously are attempts to penetrate
13 the sanctity of the attorney-client privilege and
14 relationship.

15 Q. I'm really sorry, Mr. Greene, but
16 unfortunately it's not my client that have made this
17 particular matter an issue in this case. It's part
18 of what the defendant says, that Mr. Yanny is
19 attempting to raise, and I think sooner or later
20 that these exact questions you will have to answer.
21 And in the mean time, I hope you will forgive me if
22 I make my record by asking my questions and we'll
23 take it up with Judge Cardenas at the appropriate
24 time.

25 A. It depends.

1 Q. Okay. Prior to 1991, did either of
2 the Aznarans have -- were they looking for another
3 attorney in this case?

4 A. Same objections. Attorney-client
5 privilege; ^{FG} work product privilege.

6 MR. PARKER: Can we have a stipulation that
7 Mr. Greene's testimony cannot be used in the
8 Aznarans case?

9 MS. BARTILSON: We will have to discuss it.

10 MR. PARKER: Because in the absence --

11 MS. BARTILSON: I'll have to talk to my
12 clients about it.

13 MR. PARKER: In the absence of any experts
14 and the prima facia evidence of what is really going
15 on here, that is you're taking the deposition of the
16 Aznaran's counsel for purposes that can be exploited
17 in the Aznaran case as opposed to this case in which
18 the deposition's actually being conducted. On the
19 other hand, if you were to stipulate to that, that
20 certainly would go a long way towards showing that
21 that is not your intent.

22 MS. BARTILSON: Well, you'll have to forgive
23 me, Mr. Parker. I guess I don't have quite as
24 devious a mind as you do. I can't see what possible
25 use I can make in the -- in using these particular

1 questions in the Aznaran's case, and I can see a
2 great deal of use that one of the defenses that your
3 client has raised in this case.

4 MR. PARKER: I appreciate your candor and
5 only think that it would be irrelevant. But --

6 MS. BARTILSON: So there I am.

7 THE WITNESS: Great. So are you willing to
8 stipulate to that?

9 MS. BARTILSON: As I said, I will have to
10 consult with my clients because I'm not here as
11 counsel in the Aznaran's case today. But I am here
12 as counsel for my clients and we can surely discuss
13 that during the break.

14 THE WITNESS: Why don't you take a break and
15 why don't you make that telephone call to your law
16 firm, Counsel? And since you're counsel in the
17 Aznaran's case, I think that would be an appropriate
18 thing to do. Why don't we take a break and you go
19 make your phone call and come back here and maybe
20 I'll answer.

21 BY MS. BARTILSON: Q. Well, let me ask you,
22 Mr. Greene, before we take a break, if we were to so
23 stipulate that these questions and answers couldn't
24 be used in any way in the Aznaran's case, would you
25 answer the questions that I have been asking or

1 would you still claim your privileges? In other
2 words, I'm not going to be wasting a whole bunch of
3 time for nothing.

4 A. Counsel, I have to deal with your
5 questions on a question-by-question basis. ^{FL}

6 Q. Well, the very questions that I've
7 just asked you, would you answer these questions if
8 these questions -- if we had a stipulation in place
9 and the appropriate follow-up questions that I
10 intend to ask?

11 A. Counsel, I will answer the questions
12 to the best of my ability. I will discharge my
13 duties as an attorney to the best of my ability, and
14 I will do so on a moment-by-moment, question-by-^{FL} ^{FL}
15 question basis. Any other kind of agreement would
16 be unintelligent.

17 Q. Mr. Greene, you have before you two
18 examples of questions for which you never claimed
19 the privilege. For the time being, I am not going
20 to go back to all the other questions that you have
21 raised the attorney-client privilege concerning your
22 clients. Just looking at those two questions, is it
23 your position that there is some type of stipulation
24 that you and I could enter into today which would
25 make you willing to testify and answer these

1 questions as opposed to raising an objection? If
2 there is, by all means let's discuss the
3 stipulation. If there isn't, you're wasting my
4 time.

5 A. Well, I appreciate that your time is
6 so valuable, Counsel. You're wasting mine as well.

7 I'm not going to violate any professional
8 obligations that I may have. Your question is vague
9 and ambiguous. I don't know what questions you're
10 making reference to and I suggest that we now take a
11 break and you make a phone call because you and your
12 clients have a very well established track record of
13 using one deposition for the purpose of another
14 proceeding without expressly saying so. And I think
15 that Mr. Parker's suggestion is a very good one, and
16 I'm sorry I wasn't smart enough to think of it
17 myself. But I'm smart enough to adopt it and I want
18 that stipulation that you're not going to use my
19 testimony here in the Aznaran case. Otherwise I
20 think we can go and fight it out before the judge.

21 Q. Well, Mr. Greene, if you're not going
22 to give me any answers if I stipulate with you, then
23 if I don't -- then I have no intention to stipulate
24 concerning the use of this deposition. If you have
25 a problem with that, that's too bad.

1 A. Well --

2 Q. Well, let's continue with the
3 deposition or did you need a break?

4 A. You can go ahead for the time being.

5 Q. Okay.

6 A. Just so the record is clear, you are
7 not willing to agree that the answers you give in
8 this deposition and RTC versus Yanny or Yanny II are
9 not going to be used collaterally in the case of
10 Aznaran versus Church of Scientology of California,
11 right?

12 Q. No, Mr. Greene. I am not willing to
13 stipulate at this point in time to any limitations
14 on the proper use of your deposition testimony under
15 oath here today.

16 I might be willing to enter into a
17 stipulation giving you some form of protective order
18 which you and I can discuss easily off the record,
19 if in the event that that would make you more
20 willing to testify and less willing to stone wall.
21 What I see here is that you're not willing to answer
22 my questions. What I would prefer to do, then, is
23 make my record, take those questions to the Judge,
24 because they are perfectly relevant and necessary to
25 this case and get my questions answered.

1 If you require some form of protective order
2 concerning your deposition testimony, then certainly
3 make your motion or discuss with me the precise
4 protective order that you feel you need in order to
5 testify honestly and fully here today. You're
6 invited to do so. So far you haven't done that.

7 A. Indeed, I will not sell the
8 confidences of my clients.

9 Q. Mr. Greene, what were the
10 circumstances of your substituting out of the
11 Aznaran case in June of 1991?

12 A. Same objections, attorney-client work
13 product.

14 Q. Prior to signing the Substitution of
15 Attorney forms on June 7th, 1991, which we have
16 marked as Exhibits 1 and 2, did you have any
17 conversations with the Aznarans regarding your
18 substituting out of that case?

19 A. Same objections.

20 Q. When you signed the Substitution of
21 Attorney forms, which we have marked as Exhibits 1
22 and 2, what was your understanding concerning how
23 the Aznarans were going to be represented in the
24 future?

25 A. Same objections.

1 Q. I'm not asking for conversations,
2 Mr. Greene just your understanding.

3 A. Work product, sweetheart.

4 Q. When did you first learn that Joseph
5 Yanny would be representing the Aznarans?

6 A. Same objections.

7 Q. From whom did you learn that?

8 A. Same objections.

9 Q. Prior to signing the substitution
10 forms, which we have marked as Exhibits 1 and 2, did
11 you ever discuss Mr. Yanny representing the Aznarans
12 with anyone?

13 A. No.

14 Q. Did you talk to Barry Van Sickle
15 concerning the Aznaran case at any time prior to
16 your substituting out in June of 1991?

17 A. Same objections, Counsel.

18 Q. Did you --

19 A. Which, just in case you forgot, are
20 attorney-client and work product.

21 Q. After you were no longer counsel for
22 the Aznarans, did you ever discuss the Aznaran case
23 with Mr. Van Sickle?

24 A. Same objections.

25 Q. Did either Rick Aznaran or Vicki

1 Aznaran ever tell you that they had discussed their
2 case with Barry Van Sickle before you substituted
3 out as counsel of record?

4 A. Same objections.

5 Q. Prior to substituting out of the
6 Aznaran case in June of 1991, did you ever tell the
7 Aznarans that you couldn't, you didn't feel you
8 could properly conduct a lengthy trial in Los
9 Angeles?

10 A. Same objections.

11 Q. Did the Aznarans ever complain to you
12 that you had dropped out of touch with them and were
13 difficult to locate and talk to?

14 A. Same objection.

15 MR. PARKER: Before you answer, I just want
16 to make this objection. A moment ago you asked
17 Mr. Greene, in effect, to anticipate what your next
18 series of questions would be by asking him whether
19 he would continue with the same objections. And you
20 expected him to be able to know what you were going
21 to ask. If he could understand what you were going
22 to ask, then I think the court could. I sort of
23 feel like you've made your record and maybe if you
24 need some general statement from him that will
25 assist you in sewing it up real tight, I think he

1 probably would oblige. No one wants to deny you the
2 chance to make whatever record you think is
3 necessary, but there comes a limit. After 27 of
4 virtually the same questions, you can figure the
5 28th will be basically the same. Just a suggestion.

6 MS. BARTILSON: I understand. I think we've
7 almost covered the subject. If you forgive me, I'd
8 rather let my questions make the record rather than
9 Mr. Greene's off-the-cuff statement. I think it
10 would be rather effective.

11 MR. PARKER: It's your deposition.

12 BY MS. BARTILSON:

13 Q. Did the Aznarans ever inform you that
14 some of their clients had warned them that you had
15 mishandled their cases?

16 A. Same objections.

17 Q. Did the Aznarans ever complain to you
18 that you had entered into stipulations in their case
19 without informing them beforehand?

20 A. Same objections.

21 Q. Prior to your substitution out of the
22 Aznaran case in June of 1991, did the Aznarans ever
23 tell you that they had been in communication with
24 Yanny concerning his possible representation of
25 them?

1 A. Same objections, Counsel.

2 Q. Under what circumstances did you
3 Federal Express the Aznaran case file to Los
4 Angeles?

5 MR. PARKER: Objection, assumes facts not in
6 evidence.

7 BY MS. BARTILSON:

8 Q. As testified to in your declaration of
9 August 1st, 1991, Mr. Greene?

10 MR. PARKER: The document speaks for itself.
11 If you want to put it in front of him, I suggest
12 that you do that out of fairness to the witness.

13 BY MS. BARTILSON:

14 Q. Can you answer the question without
15 looking at the document?

16 A. No.

17 Q. Did you in June of 1991 Federal
18 Express the Aznaran case file to Los Angeles?

19 A. I think so.

20 Q. To whom did you send it by Federal
21 Express?

22 A. Attorney-client, work product,
23 objection.

24 Q. Did you send it to the Aznarans' new
25 counsel?

1 A. Same objections.

2 MS. BARTILSON: We'll take just a short
3 break and I'll look at this document before we go
4 back on the record.

5 (Recess taken.)

6 MS. BARTILSON: Let's mark this Exhibit 3.

7 (Plaintiff's Exhibit No. 3 was marked for
8 identification).

9 BY MS. BARTILSON:

10 Q. Mr. Greene, we've handed you a
11 document marked Exhibit 3, which is a copy of --
12 labeled "Plaintiff's Ex Parte Application For An
13 Order Allowing Plaintiff's To Respond To All Pending
14 Motions On Or Before August 26th, 1991; Memorandum
15 Of Points And Authorities And Declaration Of Ford
16 Greene In Support Thereof."

17 Could you take a look at that document,
18 please?

19 A. (Witness examines document.)

20 Q. Particularly, I'm interested --

21 A. Hold on, Counsel. This is an eight
22 page document. I've got to read it before you ask
23 me any questions about it.

24 Q. I just wanted to focus your attention
25 on the second through fifth pages because that's --

1 sixth page, I guess that's really all I intend to
2 question you on.

3 A. I'm going to read the entire document.

4 Q. No problem.

5 MR. PARKER: You just have the one copy for
6 the witness?

7 MS. BARTILSON: I might --

8 MR. PARKER: I'll read over his shoulder,
9 that's fine.

10 THE WITNESS: I'm a slow reader.

11 You want to ask me about the portion ^{of} ~~in~~ ⁷⁶ this
12 document that is my declaration?

13 BY MS. BARTILSON: Q. That's correct.

14 A. Okay. Go ahead.

15 Q. This is a declaration that was
16 prepared by you and signed by you in the Aznaran
17 case; is that correct, Mr. Greene?

18 A. Yes, it appears to be so.

19 Q. And that's your signature that appears
20 on page 6, isn't it?

21 A. Indeed it is.

22 Q. Turning your attention to paragraph
23 two of that declaration, which states, "On June 7th,
24 1991, I acceded to the request of plaintiffs and
25 executed the substitutions of attorney whereby both

1 plaintiffs, in pro per, were substituted in my place
2 and stead."

3 I'll ask you again, Mr. Greene, to please
4 tell me the circumstances under which you signed the
5 Substitution of Attorney?

6 A. Objection, attorney-client, work
7 product.

8 Q. Which I believe is waived.

9 Turning your attention to paragraph 11 on
10 page 4 of the same document. At line 20 on that
11 page, you state that, "The file," referring to the
12 Aznaran's case file, "Had been out of my possession
13 ever since I had Federal Expressed it to Los Angeles
14 on June 27th."

15 To whom did you Federal Express it on June
16 27th?

17 A. Objection, attorney-client, work
18 product.

19 Q. Did you Fax it to an attorney of
20 record for the Aznarans?

21 A. Same objection as well as no
22 foundation.

23 Q. Did you Fax it to the Aznarans
24 themselves?

25 A. Same objection. Also it assumes a

1 fact in evidence that anything was Faxed.

2 Q. I'm sorry, quite right. I misspoke.
3 Federal Expressed?

4 A. Same objections.

5 Q. When did you receive the -- pardon me,
6 let me strike that.

7 When, if ever, did you receive the Aznarans
8 case file back into your possession?

9 A. I believe it's set forth here in my
10 declaration, on or about --

11 Q. I don't think so.

12 A. -- the end of July, beginning of
13 August, 1991.

14 Q. From whom did you receive that case
15 file?

16 A. Attorney-client, work product. I
17 object.

18 Q. Did you at any time receive case files
19 from Joseph Yanny or anyone at Joseph Yanny's
20 office?

21 A. Same objections.

22 Are you done with this one?

23 MS. BARTILSON: Yes. For now.

24 Let's mark this eight page document
25 Exhibit 4.

1 (Plaintiff's Exhibit No. 4 was marked for
2 identification.)

3 BY MS. BARTILSON:

4 Q. The court reporter is now handing you
5 Exhibit 4. It's an eight paged document with the
6 title "Declaration of Ford Greene Regarding alleged
7 "Taint" Of Joseph A. Yanny, Esquire," and I'll ask
8 you to please take a look at that, Mr. Greene.

9 MS. BARTILSON: Sorry, I don't have another
10 one.

11 MR. PARKER: I'll just read over his
12 shoulder.

13 THE WITNESS: (Witness examines document.)
14 Okay.

15 BY MS. BARTILSON:

16 Q. Is this a copy of a declaration which
17 you prepared and filed in the Aznarans case,
18 Mr. Greene?

19 A. It appears to be.

20 Q. And the signature on page 6 is your
21 signature?

22 A. It is.

23 Q. I'd like you to take a look at
24 paragraph six on page 3.

25 A. Okay.

1 Q. Which discusses a meeting that you had
2 with John Koresko. Can you tell me by whom
3 Mr. Koresko is employed?

4 MR. PARKER: Did you say is?

5 MS. BARTILSON: Yes.

6 THE WITNESS: I have no ability -- I can't
7 answer that. It calls for speculation.

8 BY MS. BARTILSON:

9 Q. Do you know by whom Mr. Koresko was
10 employed in early August 1991?

11 A. I have no first-hand knowledge,
12 however it's my understanding that John Koresko was
13 an employee of Joe Yanny.

14 Q. Did Mr. Koresko deliver to you papers
15 that had been filed in the Aznarans case during the
16 period that Yanny was counsel of record?

17 A. Yes.

18 Q. And did he also offer to assist you?

19 MR. PARKER: Excuse me?

20 THE WITNESS: Assist is vague and ambiguous.
21 I can't answer that.

22 BY MS. BARTILSON: Q. Using your words,
23 Mr. Greene, Mr. Koresko offered his assistance?

24 A. The document speaks for itself.

25 Q. Allow me to get up to speed.

1 A. The document speaks for itself.

2 Q. It's vague and ambiguous; isn't that
3 correct?

4 A. The document speaks for itself.

5 Q. I have told you -- I'm saying it's
6 ambiguous. I'm tending to agree with you, so I'm
7 trying to get a little more specific here. What
8 particular assistance, if any, did Mr. Koresko offer
9 to you?

10 A. To go to the library and copy cases.

11 Q. Did he offer to review with you any of
12 the papers that his office had been involved with
13 filing?

14 A. No.

15 Q. Did he offer to show you where
16 anything was in any of the boxes?

17 A. That assumes that Mr. Koresko
18 delivered boxes to me.

19 Q. Quite right. He probably carried them
20 up in file cabinets. It's silly of me.

21 Did Mr. Koresko provide you with papers from
22 the Yanny case that were contained in boxes in early
23 August of 1991?

24 A. Mr. Koresko provided me with filings
25 that had been made during the brief period of time

1 within which Joe Yanny, as I understand -- I don't
2 know from first-hand knowledge -- was the attorney
3 for the Aznarans in the federal action. Those
4 papers I recollect included Ex Parte ^{applications} ~~publications~~ FC
5 for continuance with respect to the two summary
6 judgment motions, maybe a motion to dismiss brought
7 by Scientology.

8 My recollection -- I can't be exactly
9 specific, but I know that my file was incomplete and
10 I wanted to ensure that during the period of time --
11 while I was not involved -- that I had a complete
12 record, and Koresko's delivery of papers assisted me
13 in accomplishing that objective.

14 Q. About how many papers or how much in
15 terms of paper did Mr. Koresko deliver to your
16 office then?

17 A. I've always, since I've litigated with
18 you guys, wanted to have a weight machine so I could
19 weigh them in. It's hard to say. I mean at this
20 point in time there was so much going on, and
21 probably by the overall stack of stuff that I had to
22 deal with, probably a foot and a half or two feet
23 tall. And what percentage of that came from
24 Koresko, I'm not really sure. But I would say
25 materials, maybe six inches. I'm really not sure

1 what he delivered to me.

2 Q. Prior to Mr. Koresko's arrival in your
3 office on a Saturday in early August, did you
4 discuss with him the fact that he would be bringing
5 things to you on that day?

6 A. I object to that based on
7 attorney-client, work product privileges.

8 Q. How did you know that Mr. Koresko was
9 going to be at your office on that day?

10 MR. PARKER: Objection, assumes facts not in
11 evidence.

12 THE WITNESS: That's true, it does. It
13 assumes that I knew that he was going to show up at
14 a particular time.

15 BY MS. BARTILSON: Q. Okay.

16 A. On a particular date.

17 Q. Okay.

18 A. I've already answered the question.
19 You frame a decent question and I will give you a
20 decent answer, but I won't answer that one.

21 Q. You won't answer that one?

22 A. No. Rephrase your question, Counsel.

23 Q. Were you surprised when Mr. Koresko
24 arrived on the Saturday or Sunday in early August
25 when he arrived?

1 A. Objection, work product privilege.
2 Calls for my impressions.

3 Q. Were you expecting Mr. Koresko when he
4 arrived on Saturday or Sunday of early August 1991?

5 A. Objection, attorney-client privilege,
6 work product privilege.

7 Q. Love these answers.

8 Mr. Greene, when Mr. Koresko delivered you
9 these papers on a Saturday and Sunday in early
10 August and assisted you by making copies at the law
11 library, as you've testified in your declaration,
12 did he meet with you to accomplish these purposes at
13 your office or at your home?

14 A. You're asking me to speculate as to
15 why he met with me, so I can't answer that. What I
16 can do is tell you that I met with Mr. Koresko at my
17 office.

18 Q. Did you have any conversations with
19 Mr. Koresko on the Saturday and Sunday in early
20 August when he was present at your office? ~~+~~

21 A. Did I verbally have human
22 communications with him, yes.

23 Q. Could you tell me please what he said
24 to you and what you said to him?

25 A. No, I object. Attorney-client

1 privilege, work product privilege.

2 Q. Just to be clear, during the time
3 period when Mr. Koresko was at your office in August
4 of 1991, did you discuss with him any cases
5 concerning any of your clients, other than the
6 Aznarans?

7 A. Objection, attorney-client, work
8 product privilege.

9 Q. Well, again, to narrow this down, I'm
10 just trying to ascertain --

11 A. It's also --

12 Q. -- are you claiming --

13 A. -- irrelevant.

14 Q. Are you claiming this privilege on
15 behalf of your clients the Aznarans or on behalf of
16 other unnamed clients as well who shall remain
17 nameless? I'm not interested in who they are, if
18 there are any?

19 A. I'm claiming the privilege on behalf
20 of the Aznarans and on my own behalf as their
21 attorney.

22 Q. Was Mr. Koresko present at your office
23 on both the Saturday and Sunday that you have
24 referred to in August 1991 in your declaration?

25 A. Was he present in my office? That's

1 vague and ambiguous. I met with Mr. Koresko each of
2 those days and I met with him at my office.

3 Q. Did you also meet with Mr. Koresko
4 socially during that time?

5 A. I don't know what you mean by
6 socially.

7 Q. Did you go out to dinner together?
8 Did he spend the night at your home? Did you go to
9 the beach? I don't know. Did you have any contact
10 with him other than the contact you had with him in
11 your offices?

12 A. No.

13 Q. For approximately how long was
14 Mr. Koresko present at your office on the Saturday
15 that you referred to in your declaration?

16 A. I can't recall.

17 Q. How about --

18 A. Besides ^{FO}~~of~~ which I object to it on the
19 basis of attorney-client and work product privilege.

20 Q. How long -- was he present at your
21 office?

22 A. Yes.

23 Q. How about on the Sunday that you
24 earlier referred to? Can you recall how long he was
25 at your office on that Sunday?

1 A. Same two objections.

2 Q. Did Mr. Koresko assist you at all in
3 the preparation of any written materials on behalf
4 of the Aznarans?

5 A. No.

6 MR. PARKER: I assume that excludes
7 photocopying?

8 MS. BARTILSON: That's correct.

9 THE WITNESS: Yes, that's a good point.

10 BY MS. BARTILSON:

11 Q. That's correct?

12 A. I mean Mr. Koresko -- the help that I
13 got from him is, as I said in the declaration, took
14 the cases, of all the pending motions and I sent him
15 to the law library and said copy them. He did that,
16 provided me the copy^{yes FG} and that was it.

17 Q. So you didn't discuss with him any of
18 the substantive issues that were currently pending
19 in the case?

20 A. No, I don't believe I did. Anyway, I
21 object to that, attorney-client and work product.

22 Q. And did you discuss with him any of
23 the factual issues --

24 A. Same objection.

25 Q. -- in the case?

1 A. Same objections.

2 Q. Did you discuss with him any of the
3 papers that Mr. Yanny had filed or the means by
4 which Mr. Yanny had intended to continue his
5 litigation in the case, had he been permitted to --

6 A. Objection, compound, speculation,
7 vague and ambiguous, attorney-client;^{FB} attorney work
8 product.

9 Q. -- by his counsel?

10 A. Compound as well.

11 Q. Well, I ask terrible questions. Let's
12 mark this one.

13 A. Better than some.

14 (Plaintiff's Exhibit No. 5 was marked for
15 identification.)

16 BY MS. BARTILSON:

17 Q. I've had the reporter mark a three
18 page document entitled "Declaration of Vicki J.
19 Aznarang^{FB}." I'd like you to take a look at it for
20 me, please?

21 A. (Witness examines document.)

22 All right.

23 Q. Is this a document that you have seen
24 before, Mr. Greene?

25 A. I believe I have.

1 Q. It appears to be a declaration
2 executed by Vicki Aznaran on the first of July, 1991
3 in Dallas; is that correct?

4 A. The document speaks for itself.

5 Q. Do you recall when you first saw this
6 document, Mr. Greene?

7 A. Sometime after July 26th, '91.

8 Q. This being sometime after you again
9 became counsel of record for the Aznarans?

10 A. Sometimes after July 26th, '91.

11 Q. Do you recall how long it was after
12 that that you first saw this document?

13 A. Within one month.

14 Q. Did your client, Vicki Aznaran^{FL},
15 instruct you to deliver the Aznaran's case files to
16 Joseph Yanny after you had been substituted out of
17 the case as her counsel of record?

18 A. Objection. Attorney-client privilege,
19 work product privilege.

20 Q. Which I believe Ms. Aznaran's waived
21 in this declaration, if she had it in the first
22 place.

23 Did your client, Vicki Aznaran, before she
24 asked you -- strike that.

25 A. Good idea.

1 Q. Strike that.

2 Prior to your signing of the Substitution of
3 Attorney on June 7th, 1991, did Ms. Aznaran ever
4 discuss with you the conversations with Barry Van
5 Sickie which she has testified about in this
6 declaration?

7 A. Object on attorney-client privilege,
8 work product.

9 Q. Did she mention to you that she had
10 spoken with Mr. Van Sickie?

11 A. Same objections.

12 Q. Did Ms. Aznaran ever tell you that the
13 reason she no longer required your services as her
14 attorney was because she wanted to negotiate for
15 settlement and the defendants in this case had
16 refused to negotiate with you?

17 A. Same objections.

18 Q. Did Mr. Aznaran ever make such a
19 statement to you?

20 A. Same objections. Vague and ambiguous.

21 MS. BARTILSON: Let's make this one 6.

22 (Plaintiff's Exhibit No. 6 was marked for
23 identification.)

24 BY MS. BARTILSON:

25 Q. I'm going to hand you a three page

1 document entitled, "Declaration of Richard N.
2 Aznaran" and ask you if that's a document that
3 you've seen before?

4 A. (Witness examines document.)
5 What's your question?

6 Q. Have you seen this document before?

7 A. I believe I have.

8 Q. When did you first see the document?

9 A. Within one month of July 25, 1991.

10 MR. PARKER: I suspect his testimony and
11 your questions --

12 THE WITNESS: She's going to try --

13 MR. PARKER: -- your questions, as your
14 testimony, is going to be the same. Can we do a
15 stipulation?

16 MS. BARTILSON: Can we stipulate?

17 THE WITNESS: I'll stipulate that you ask
18 the same questions with Exhibit 6 with respect to
19 the Exhibit 5 and that all of my answers to Exhibit
20 6 would be the same as they have been to Exhibit 5.

21 MR. PARKER: And all the --

22 THE WITNESS: And my objections.

23 BY MS. BARTILSON:

24 Q. And all the follow-up questions that I
25 asked of Vicki Aznaran as they would be for Richard;

1 is that correct?

2 A. That's correct. Well, whatever
3 questions you asked me of Vicki, re Exhibit 5, you
4 can apply to Richard per Exhibit 6 and my responses
5 will be identical.

6 Q. Very good. So stipulated.

7 Mr. Greene, do you know Gerald Armstrong?

8 A. Yes.

9 Q. When did you first meet Mr. Armstrong?

10 A. Sometime in the second half of 1990.

11 Q. Where did you meet him?

12 A. In Marin County.

13 Q. What were the circumstances of that
14 meeting?

15 A. I don't exactly recall.

16 Q. Do you recall where it was?

17 A. Somewhere in the San Anselmo vicinity.
18 Somewhere in between his house and my office.

19 Q. Were you introduced to Mr. Armstrong
20 by someone else?

21 A. I don't recall.

22 Q. Does Mr. Armstrong work in your
23 office?

24 A. Yes.

25 Q. Approximately when did he start

1 working there?

2 A. I refuse to answer. It's not relevant
3 and it's not calculated to lead to the discovery of
4 relevant evidence.

5 Q. In what capacity does Mr. Armstrong
6 work in your office?

7 A. Objection. Attorney-client^{FL} work
8 product privilege.

9 MR. PARKER: Can we have a stipulation that
10 this deposition testimony will not be used in any
11 litigation involving Mr. Armstrong, such as the one
12 you just filed?

13 MS. BARTILSON: Well --

14 THE WITNESS: Yesterday, Marin County
15 Superior Court.

16 MR. PARKER: It seems like the same issue to
17 me.

18 MS. BARTILSON: Well, here's my difficulty.
19 Since I'm not getting any answers to any questions
20 anyway, and it doesn't look like I am, it's useless
21 to enter into stipulations at this point in time.
22 If it means that I'm going to get answers to
23 questions, then certainly we can discuss it and I'd
24 be happy to discuss it with my client. But, I don't
25 know if I can enter into that kind of stipulation

1 without any kind of a reciprocal agreement.

2 Now, if there's an objection to the question
3 that you want to raise, go ahead and make it.

4 MR. PARKER: Well, I took that as a no. And
5 if I, again, as before, just as a running objection,
6 I believe that testimony relating to the employment
7 relationship between this third party witness and
8 another third party witness, even if it is
9 Mr. Armstrong himself, whose name shows up in your
10 complaint, is not relevant and not reasonably
11 calculated to lead to the discovery of admissible
12 evidence in this case, which Mr. Yanny is the
13 defendant.

14 MS. BARTILSON: Well, I think it is and I
15 think I can easily show both the relationship and
16 where I'm going with it, and I'd be happy to do
17 that. I need to for the court and I think it's
18 pretty obvious to all here.

19 MR. PARKER: No, not to me, but that's my
20 running objection.

21 THE WITNESS: I'm going to join in that
22 running objection.

23 MS. BARTILSON: You're welcome to do that.

24 THE WITNESS: So I don't have to make the
25 objection to every one of your questions?

1 MS. BARTILSON: Okay.

2 THE WITNESS: Concerning Gerald Armstrong?

3 MS. BARTILSON: Fine.

4 Q. Mr. Greene, are you aware that
5 Mr. Armstrong was at one point employed by Mr. Yanny
6 as a paralegal?

7 A. Objection, attorney-client^{§6} work
8 product privilege. Also, it assumes facts not in
9 evidence, namely that Armstrong was so employed. No
10 foundation, calls for speculation.

11 Q. Are you aware that Mr. Yanny has filed
12 a declaration in Los Angeles Superior Court in which
13 he states that at one point in time Mr. Armstrong
14 was employed by him as a paralegal?

15 MR. PARKER: Objection.

16 THE WITNESS: Same objection.

17 MR. PARKER: Mischaracterizes the document
18 in question.

19 THE WITNESS: Also the document speaks for
20 itself. Also it's an unfair question to ask me
21 anything about a document without showing me that to
22 which you're making ^{§6} reference.

23 BY MS. BARTILSON: Q. So your objection to
24 my question is I'm unfair, but you're not answering
25 the question; is that right?

1 A. No. That's one of a number of
2 objections. I incorporate all of the objections to
3 your prior question with respect to the latest
4 question, in addition.

5 Q. Mr. Greene, the question is are you
6 aware of the declaration? It's pretty simple, yes
7 or no?

8 A. Show me the declaration that you're
9 making reference to. No foundation. Calls for me
10 to speculate and it's vague and ambiguous.

11 Q. No, it's simply asking if you, at the
12 present time, without viewing the declaration, are
13 aware that one exists, yes or no?

14 A. You have ^{my FG} ~~no~~ answer. That question is
15 argumentative.

16 Q. Have you employed Mr. Armstrong to
17 assist you on the Aznarans case?

18 A. Attorney client^{FG} work product privilege
19 and running objection.

20 Q. Excuse me, I didn't get your last
21 objection?

22 MR. PARKER: I think it was joining my
23 running objection.

24 MS. BARTILSON: Oh, running objection?

25 THE WITNESS: Yes.

1 MS. BARTILSON: I didn't hear what he said.
2 That's fine.

3 Q. That's fine.

4 A. Seven?

5 Q. No, I'm not making a new one. Just
6 going back to an older one, Exhibit 4.

7 Please take a look at Exhibit 4, paragraph
8 seven, which appears on page 4.

9 A. (Witness examines document.)

10 Q. Have you done so?

11 A. Yes.

12 Q. Mr. Greene, did you receive assistance
13 from Gerald Armstrong of any kind in the work that
14 you've done in the Aznaran case?

15 A. Objection, attorney-client^{FB} work
16 product.

17 Q. Did you testify about some of the
18 assistance that you received from Mr. Armstrong in
19 this declaration, which is signed by you and dated
20 September 9th, 19 -- I'm sorry, September 4th, 1991?

21 A. Objection, document speaks for itself.

22 Q. And that document states, "I am
23 grateful for the on-going assistance that I have
24 received from Gerry Armstrong. While I have worked
25 -- at times around the clock -- he has assembled the

1 product of my labors and ensured that they were
2 prepared for filing and service"; does it not?

3 A. The document speaks for itself,
4 Counsel.

5 Q. Since the time that you prepared this
6 declaration on September 4th, 1991, have you
7 received any additional assistance from
8 Mr. Armstrong for your labors in the Aznaran case?

9 A. Attorney client, work product
10 privilege, objection.

11 Q. Has Mr. Armstrong ever discussed with
12 you his experience while employed with Mr. Yanny as
13 a paralegal?

14 A. Same objections. Also, it a seems a
15 fact in evidence, no foundation, calls for
16 speculation.

17 Q. Has Mr. Armstrong ever discussed with
18 you --

19 A. Also it's compound.

20 Q. Excuse me. Are you finished?

21 A. Now I am, thank you very much.

22 Q. Has Mr. Armstrong ever discussed with
23 you his experiences while working with Mr. Yanny in
24 whatever capacity in Los Angeles while Mr. Yanny was
25 counsel of record for the Aznarans?

1 A. I incorporate the same set of
2 objections that I just interposed with respect to
3 the previous question.

4 Q. In what cases do you represent
5 Mr. Armstrong?

6 A. Objection, attorney-client privilege,
7 work product privilege.

8 MR. PARKER: And that is really irrelevant
9 to our case.

10 MS. BARTILSON: Well, if he's claiming an
11 attorney-client privilege, I think it's very
12 relevant. He's claiming a privilege. He won't tell
13 me when he began his representation of his client
14 Mr. Armstrong and he won't tell me in which cases he
15 represents him.

16 THE WITNESS: Not calculated to lead to the
17 discovery of admissible evidence.

18 MR. PARKER: This case deals with Yanny's
19 relationship with Armstrong, not Greene's
20 relationship with Armstrong.

21 MS. BARTILSON: That's right. And it's
22 Yanny's relationship I'm trying to question
23 Mr. Greene about, to which I'm getting the
24 attorney-client privilege.

25 MR. PARKER: Well, that's--

1 MS. BARTILSON: And I need to explore the
2 foundation. So if you will allow my questions,
3 Counsel, and make your objections --

4 MR. PARKER: It is irrelevant and you're
5 asking for hearsay statements that are obviously
6 privilege, but make your record.

7 MS. BARTILSON: Okay. I don't think so.
8 What matters is what someone is representing is
9 privileged information.

10 THE WITNESS: Will you open the door,
11 Counsel. It's getting kind of stuffy in here.

12 MS. BARTILSON: Yes, I will. It got noisy
13 for a minute there.

14 THE WITNESS: Thank you.

15 BY MS. BARTILSON: Q. Has Mr. Armstrong
16 paid you a retainer to be his counsel in any ongoing
17 litigation?

18 A. Objection, attorney-client, ^{F6} work
19 product.

20 Q. Has Mr. Armstrong retained you to be
21 his counsel in any legal matter which does not
22 involve litigation?

23 A. Objection, attorney-client, work
24 product.

25 Q. Did Mr. Armstrong retain you in any

1 capacity as an attorney prior to June of 1991?

2 A. Objection, attorney-client privilege,
3 attorney work product privilege.

4 Counsel, just so that for the sake of
5 clarity, I'm going to designate from now on when I
6 say the two attorney privileges, it's going to refer
7 to attorney-client and attorney work product
8 privileges.

9 Q. That's fine. I'll try and keep this
10 to a minimum.

11 Do you pay Mr. Armstrong a salary for his
12 work for you in your firm?

13 A. Two attorney privileges.

14 Q. At the time that you --

15 A. In addition, it's irrelevant, not
16 calculated to lead to the discovery of admissible
17 evidence.

18 Q. At the time --

19 A. So I'm going to refer to those
20 objections as the two relevancy objections so we can
21 kind of short circuit this a little bit.

22 Q. Fine. At the time that you first --
23 I'm going to use employed concerning Mr. Armstrong,
24 since you've told me that he's worked in your
25 offices, but you won't tell me whether or not he's

1 paid for his services. Just for the purposes of
2 this deposition, without assuming anything else as
3 to the nature of that relationship, I'm going to
4 refer to that relationship as employment, if that's
5 all right with you? And that you understand that by
6 using that term, I'm not necessarily trying to
7 characterize it in any way, just to give you a
8 shorthand of referring to this; is that all right?

9 A. You characterize and frame your
10 questions and I'll give you my responses.

11 Q. So you understand when I use the word
12 employee, I am using a shorthand word to refer to
13 the efforts that Mr. Armstrong makes in your office
14 on a daily basis to assist you, Counsel; is that
15 correct?

16 A. Counsel, I'm not going to assume
17 anything with you. You ask your questions and I'll
18 give you -- I'll give you answers.

19 Q. I'm going to give you a word to
20 assume, as well as --

21 A. Counsel, you just ask your questions
22 and I'll respond to them.

23 Q. You'll be responding to the questions
24 using the definition that I have now supplied you;
25 is that correct?

1 A. No.

2 Q. All right. Then we can't use the
3 shorthand.

4 When Mr. Armstrong first began assisting you
5 in your office, in any capacity having to do with
6 the Aznaran's case, were you aware that he had
7 previously assisted Mr. Yanny in Mr. Yanny's brief
8 representation -- pardon me, brief direct
9 representation of the Aznarans?

10 A. Okay. Let's see. Compound, calls for
11 me to speculate, assumes fact not in evidence,
12 there's no foundation.

13 MR. PARKER: His state of mind is
14 irrelevant. Not reasonably calculated to lead to
15 the discovery of admissible evidence in this case.

16 THE WITNESS: I'll join in that as well as
17 assert the two attorney privileges.

18 BY MS. BARTILSON:

19 Q. Have you ever met with Mr. Armstrong
20 and Mr. Yanny at the same time?

21 A. No.

22 Q. Have you ever had any telephone
23 conversations which involved Mr. Armstrong and
24 Mr. Yanny and yourself simultaneously?

25 A. Two attorney objections.

1 Q. Has Mr. Armstrong ever discussed with
2 you his experiences -- well, strike that.

3 Has Mr. Armstrong ever given you any
4 information concerning any of the plaintiffs in this
5 case which Armstrong acquired while he was working
6 at Mr. Yanny's office?

7 A. Oh, that's a good speculative
8 question. No foundation, vague and ambiguous.
9 Assumes facts not in evidence. Two attorney
10 privileges.

11 MR. PARKER: It's also irrelevant, not
12 reasonably calculated to lead to the discovery of
13 admissible evidence. As it's framed, it's over
14 broad as with respect to both time and subject
15 matter.

16 THE WITNESS: I'll join in that.

17 BY MS. BARTILSON:

18 Q. Has Mr. Armstrong ever given you any
19 information concerning any of the plaintiffs in this
20 case which he attributed to Mr. Yanny?

21 A. Same set of objections as previously
22 interposed to the immediately preceding question.

23 Q. Are you aware that Mr. Armstrong has
24 formed his own church?

25 A. Yes.

1 Q. Are you a member of Mr. Armstrong's
2 church?

3 A. Yes.

4 MR. PARKER: Objection.

5 THE WITNESS: It's -- all right, irrelevant.

6 MR. PARKER: That is --

7 THE WITNESS: That's totally irrelevant.

8 MR. PARKER: It is a violation of his first
9 amendment rights. It's irrelevant.

10 MS. BARTILSON: Just to bring you up-to-date
11 David, in case you're not really aware of it,
12 Mr. Armstrong has claimed, and his attorney, I
13 believe the priest penitent privilege for his
14 conversations with Mr. Greene.

15 MR. PARKER: I understand. But this third
16 party witnesses religious practices or affiliations
17 have zero to do with this lawsuit.

18 MS. BARTILSON: Well, I have no intention of
19 asking him about his religious practices, other than
20 to lay foundation for any priest penitent privilege
21 objection, some of which have already been raised in
22 this case. That's my simple point.

23 MR. PARKER: This is exactly why I asked for
24 this stipulation because this deposition is going to
25 be used in other cases, sure as I am sitting here.

1 BY MS. BARTILSON:

2 Q. Mr. Armstrong ever tell you that he
3 had retained Joe Yanny as his attorney in any
4 capacity?

5 A. Objection, attorney-client^{FG} work
6 product privileges. Also not calculated to lead to
7 the discovery of admissible evidence.

8 Q. Did you ever discuss the substance of
9 the Aznaran case with Mr. Armstrong?

10 A. Two attorney objections. Not
11 calculated to lead to admissible evidence.

12 Q. Other than the papers which you
13 received from Mr. Koresko in August of 1991, have
14 you received any written or verbal communication
15 from Mr. Yanny or from his law offices concerning
16 the Aznaran case?

17 MR. PARKER: Objection, compound.

18 THE WITNESS: Join. Two attorney
19 objections.

20 MR. PARKER: Also over broad with respect to
21 the time frame and subject matter.

22 THE WITNESS: Join. Vague and ambiguous as
23 well.

24 MR. PARKER: Can I trouble you just to have
25 the question re-read?

1 (Record read.)

2 MR. PARKER: Thank you.

3 MS. BARTILSON: All right. Let's go off the
4 record for a minute. I want to take a break here,
5 and come back.

6 (Recess taken from 11:50 to 12:30)

7 BY MS. BARTILSON:

8 Q. Just a few things to wrap this up.

9 A. Okay. Before you start, though, we've
10 got an agreement that you'll mail me a witness fee
11 check in the amount of 50 bucks when you get back to
12 your office?

13 Q. Yes, I will.

14 A. Thank you.

15 Q. All right.

16 What are we on, seven? Let's mark this
17 Exhibit 7.

18 (Plaintiff's Exhibit No. 7 was marked for
19 identification.)

20 BY MS. BARTILSON:

21 Q. Mr. Greene, the reporter's handed you
22 a five page document entitled, "Declaration of Barry
23 Van Sickle." I'd like you to read that over, if you
24 would please, sir.

25 A. (Witness examines document.)

1 (Telephonic interruption).

2 BY MS. BARTILSON:

3 Q. Okay. So, Mr. Greene, have you had an
4 opportunity to review Exhibit 7?

5 A. Yes.

6 Q. Is this a declaration that you've seen
7 before today?

8 A. Yes.

9 Q. When did you have occasion to view it?

10 A. Sometime since the 23rd of January of
11 this year and today.

12 Q. Who provided you with a copy of the
13 declaration, if you recall?

14 A. I assert the attorney-client
15 privilege, work product privilege.

16 Q. Turning in Exhibit 7 to paragraph 12,
17 Mr. Van Sickle states:

18 "In my discussions with Mr. Drescher
19 and Mr. Quinn and other counsel for
20 the Church of Scientology, it was was
21 clearly implied that they had little
22 respect for Mr. Greene and that they
23 were well aware of the strained
24 relationship between the Aznarans and
25 Mr. Greene. However, neither Mr.

1 Quinn or Mr. Drescher made the firing
2 of Mr. Greene condition of settlement
3 discussions."

4 Do you see where it says that?

5 A. Yes.

6 Q. Mr. Greene, prior to June 7th, 1991,
7 was there a strained relationship between you and
8 the Aznarans?

9 A. Two attorney objections.

10 Q. Did you ever discuss with Mr. Van
11 Sickle whether or not your firing by the Aznarans
12 would be a condition of settlement discussions in
13 that case?

14 A. Two attorney objections.

15 Q. Did your client ever inform you that
16 Mr. Van Sickle had told them that Mr. Quinn or
17 Mr. Drescher made the firing of you a condition of
18 settlement discussions?

19 A. Two attorney objections.

20 Q. Isn't this really just a story that
21 was made up by your client to justify the insertion
22 of Mr. Yanny into the Aznaran case?

23 A. Calls for speculation, no foundation.

24 Q. And you're refusing to answer?

25 A. I'll interpose the two objections.

1 Q. Did you in any way help the Aznarans
2 in their invention of a reason for your dismissal
3 from their case that would blame it on any of the
4 plaintiffs in this case?

5 A. It's compound, assumes facts,
6 speculative. Two attorney objections.

7 Q. Or was it something --

8 A. As well as vague and ambiguous.

9 Q. Or was that really something that they
10 didn't bother to consult with you about, Mr. Greene?

11 A. Same objections.

12 Q. When did you first meet Mr. Parker?
13 And I'm referring to Mr. David Parker who is sitting
14 to your left?

15 A. January 30, 1992.

16 Q. Was that at a hearing in this case?

17 A. That's correct.

18 Q. Have you spoken with Mr. Parker, other
19 than today, since January 30, 1991 -- 1992 pardon
20 me?

21 A. Two attorney objections.

22 Q. On behalf of which of your clients are
23 you raising that objection, Mr. Greene?

24 A. Aznarans and Armstrong.

25 Q. On how many occasions did you speak

1 with Mr. Parker between January 30th and today?

2 A. Same two objections.

3 Q. Did you meet with Mr. Parker today
4 prior to this deposition?

5 A. Yes.

6 Q. Did you discuss with him -- strike
7 that.

8 Relate to me as fully as you can the
9 substance of your conversation when you met with
10 Mr. Parker today?

11 A. Two attorney objections.

12 Q. And who are the clients on whose
13 behalf you're raising those objections?

14 A. Armstrong and Aznarans.

15 Q. Did Mr. Parker ask you to provide
16 testimony on Mr. Yanny's behalf in this case?

17 MR. PARKER: Objection, ambiguous. Do you
18 mean appear and testify or the substance of his
19 testimony?

20 BY MS. BARTILSON:

21 Q. Do you understand the question?

22 A. No.

23 Q. Did Mr. Parker ask you if you would be
24 willing to appear and testify at trial for Mr. Yanny
25 in this case at any time?

1 A. No.

2 Q. Did Mr. Yanny -- did Mr. Parker ask
3 you if you would be willing to provide Mr. Yanny
4 with any declarations or deposition testimony that
5 might be helpful to Mr. Yanny in this case?

6 A. No.

7 Q. Did you discuss with Mr. Yanny the
8 nature of your representation of the Aznarans or
9 Mr. Armstrong?

10 MR. PARKER: Excuse me, may I have the
11 question back please?

12 MS. BARTILSON: I may have misspoken in that
13 one, too.

14 MR. PARKER: I don't -- oh, I think I know
15 what you said, but you'll have to tell us if you
16 made a mistake or not.

17 MS. BARTILSON: I'm listening to it back and
18 it sounds wrong. Go ahead and read it.

19 (Record was read.)

20 MS. BARTILSON: Yes, I misspoke. I meant to
21 say Mr. Parker in that question.

22 Q. Did you discuss with Mr. Parker the
23 nature of your representation of the Aznarans or
24 Mr. Armstrong?

25 MR. PARKER: Objection, ambiguous. I don't

1 know what you mean by that nature of representation.
2 Other than attorney of record? I'm not sure what
3 you mean.

4 THE WITNESS: I join that. Would you
5 clarify your question, please?

6 BY MS. BARTILSON: Q. Are you refusing to
7 answer because it's vague and ambiguous?

8 A. I can't answer what I don't
9 understand.

10 Q. Did Mr. Parker ask you any questions
11 concerning your representation of the Aznarans?

12 A. I object based on the two attorney
13 privileges.

14 Q. If Mr. Parker asked you any questions
15 concerning your representation of the Aznarans, did
16 you answer those questions?

17 A. Same objections.

18 Q. If there were any such questions what
19 were they? Would you relate for me the substance of
20 your responses?

21 A. Vague and ambiguous, no foundation,
22 two attorney objections.

23 Q. Did Mr. Parker ask you any questions
24 concerning Mr. Armstrong?

25 A. Two attorney objections.

1 Q. If Mr. Parker asked you any such
2 questions, did you answer then?

3 A. Speculation, no foundation. Two
4 attorney objections.

5 Q. Did Mr. Parker discuss with you his
6 intended defense of this case?

7 A. Same two objections.

8 MR. PARKER: I'd be happy to talk with you
9 about that.

10 MS. BARTILSON: I'm sure you would.

11 Q. All right. Did you ever have any
12 discussions with Mr. Yanny concerning the scheduling
13 of your deposition in this case?

14 A. My own personal deposition?

15 Q. Yes.

16 A. Do you mean like what kind of dates
17 would be when I would be available?

18 Q. Any conversations concerning the
19 scheduling of your deposition?

20 A. Yes. One conversation with Joe Yanny,
21 and I believe it was the 20th of November, when I
22 called him and asked him if he knew anything about a
23 proposed deposition date set for the 21st.

24 Q. And this was for your deposition?

25 A. I don't remember.

1 Q. When?

2 A. I know that there was a sequence of
3 events where you, for example, claim to have Faxed
4 and sent me a letter confirming a deposition date of
5 November 21st that you never did. That you never
6 Faxed to me, that you never sent to me, that I never
7 received.

8 I had sent you a letter prior to that
9 suggesting the 21st is the potential deposition date
10 for myself or for Gerry Armstrong. I had
11 tentatively calendared that day when on the 20th
12 there had been no confirmation, I called your office
13 and spoke with Helena ^{Kobrin} ~~Cobrine~~ ^{FB} (phonetic) who advised
14 me that, yes, there's going to be a deposition and
15 somebody unidentified was on his or her way to
16 San Francisco at that time.

17 At that point I called Joseph Yanny and I
18 asked him whether he knew anything about any kind of
19 scheduled deposition date at which time he said no,
20 that he didn't.

21 Q. I'll move to strike the witnesses
22 entire speech since there was no question pending.
23 It's argumentative and unresponsive.

24 Mr. Greene, I'd like you to focus your
25 attention, if you will please, on your conversation

1 with Mr. Yanny that you have testified took place on
2 November 20. If you could, please, relate to me
3 everything from that conversation that you recall
4 you said to him, and that he said to you?

5 A. I just did.

6 Q. So the only thing that Mr. Yanny said
7 to you during this entire conversation was no?

8 A. I think we may have -- I asked him if
9 he knew about it and whether or not anybody was
10 going to be there on his behalf and he said no to
11 both of those inquiries by me.

12 Q. And you had no further discussion with
13 him?

14 A. I don't think so. There may have been
15 something else that was said, but the conversation I
16 believe addressed those, about the point of the
17 proposed or tentatively scheduled deposition set for
18 the next day.

19 Q. Have you ever had any discussions with
20 Mr. Yanny concerning the scheduling of your own
21 deposition, other than that discussion?

22 A. I haven't.

23 Q. Have you had any discussions with
24 Mr. Yanny concerning the scheduling of the
25 deposition or Lorien Phippeny (phonetic) or Gerald

1 Armstrong?

2 A. No.

3 Q. Have you --

4 A. Not aside, not aside from the fact
5 that there appear to have been the creation by your
6 office and your client of some kind of conspiracy
7 whereby Yanny was alleged to have been manipulating
8 me so as to prevent any deposition of me or
9 Armstrong or Phippeny from going forward. I have
10 discussed the absence of any basis, in fact, for
11 those allegations with Yanny, I think.

12 Q. When did you have that discussion with
13 Mr. Yanny?

14 MR. PARKER: Let me have a standing
15 objection. This is irrelevant. It has nothing to
16 do with issues in this case.

17 THE WITNESS: It's a matter of a ruling that
18 you lost fair and square.

19 MR. PARKER: You're building evidence to go
20 in on your usual motion to reconsider. This is
21 irrelevant and harassment.

22 MS. BARTILSON: I don't think it is either
23 irrelevant or harassment. And I do understand, from
24 what I was told from Judge Cardenas's ruling, that
25 we were instructed to get more evidence and come

1 back, if I could, and that's what I'm trying to do.
2 Boy.

3 Now, if I'm mistaken, I'm sure that's going
4 to show up in the transcript. I wasn't there. I
5 have only a few more questions and I'd like to
6 continue.

7 MR. PARKER: Well, I have a standing
8 objection so I won't have to interrupt you anymore,
9 but Mr. Greene knows that's exactly what you intend
10 to do.

11 MS. BARTILSON: Your objection is noted.

12 Q. Mr. Greene, when did you have the
13 discussion that you just referred to with Mr. Yanny?

14 A. I believe at the courthouse last week.

15 Q. This was on Thursday?

16 A. The 30th.

17 Q. Last week.

18 A. January, 1992.

19 Q. Was your discussion with Mr. Yanny
20 prior to the hearing?

21 A. No.

22 MR. PARKER: You want to know about the
23 other people that were in the hallway and
24 participating in that discussion, including lawyers
25 that you work with in this case? I'm sorry I can't

1 resist.

2 THE WITNESS: That's okay. I understand.

3 MR. PARKER: She didn't want to ask the
4 question.

5 BY MS. BARTILSON:

6 Q. Did you ever have any discussions,
7 Mr. Greene, with anyone else from Mr. Yanny's office
8 concerning the scheduling of either your deposition
9 or that of Mr. Armstrong or that of Mr. Phippeny or
10 Ms. Phippeny in this case?

11 A. No.

12 Q. Okay.

13 MS. BARTILSON: Let me just check to see if
14 my recollection matches my paralegal for one minute.

15 THE WITNESS: Just a second. You will mail
16 me the witness fee by when?

17 MS. BARTILSON: I'll mail it next week.

18 THE WITNESS: By the end of next week?

19 MS. BARTILSON: Sure.

20 THE WITNESS: All right.

21 (Discussion off the record)

22 BY MS. BARTILSON:

23 Q. Mr. Greene, you now have co-counsel in
24 the Aznaran case; is that correct?

25 A. Yes.

1 Q. And your counsel is Mr. John Elstead?

2 A. Is that a question?

3 Q. Yes.

4 A. That's correct.

5 Q. Do you know when the Aznarans first
6 began looking for counsel to assist you in the
7 Aznaran's case?

8 A. Objection, the two attorney
9 privileges.

10 Q. Did you ever tell the Aznarans that
11 you had your doubts about your ability to conduct a
12 lengthy trial in Los Angeles --

13 A. Objection.

14 Q. Without, excuse me, let me finish the
15 question.

16 A. Oh, I thought you were done. Excuse
17 me.

18 Q. Without the aid of additional counsel?

19 A. You're done now?

20 Q. Yes.

21 A. Two attorney privileges, objection.

22 Q. Did the Aznarans ever complain to you
23 that they were upset because you had gone to a drug
24 or alcohol rehabilitation center and not informed
25 them before you entered such a center?

1 A. Same two objections.

2 Q. Have you ever gone in an alcohol or
3 drug rehabilitation center?

4 A. No. Have you? I guess it's the
5 appropriate time to sing Oklahoma, right?

6 Q. Whatever you like, Mr. Greene?

7 A. Okay.

8 Q. You want to sing?

9 A. Go ahead.

10 Q. Did you ever bill the Aznarans for a
11 deposition that you never attended?

12 A. Attorney-client privilege, work
13 product privilege.

14 MR. PARKER: Compound, assumes fact not in
15 evidence.

16 BY MS. BARTILSON:

17 Q. Did the Aznarans ever complain to you
18 that you had done this?

19 A. Same objections.

20 MS. BARTILSON: All right. That is going to
21 complete it. Except for the many questions which
22 weren't answered for which I will now be forced to
23 go before the court on a Motion to Compel, I have no
24 further questions at this time.

25 MR. PARKER: Okay. I think I just have a

1 few.

2 EXAMINATION

3 BY MR. PARKER:

4 Q. Mr. Greene, you were shown two
5 declarations. One was part of Exhibit 3 and the
6 other was Exhibit 4. The statements you made in
7 those declarations were true and correct to the best
8 of your knowledge and belief?

9 A. At the time that I made them, yes,
10 they were. And I continue to affirm, adopt and
11 stand by the statements I made in each of those
12 declarations.

13 MR. PARKER: I have no further questions.

14 MS. BARTILSON: Okay. Let's go off the
15 record for just a minute.

16 (Discussion was held off the record.)

17 MS. BARTILSON: All right. So counsel and
18 the witness have stipulated that the court reporter
19 is relieved of her statutory duties. The original
20 of the deposition transcript will be forwarded to
21 Mr. Greene upon it's completion. The witness, he'll
22 have 30 days to review the transcript and make any
23 changes that he desires to make. And he has
24 promised he will use his best efforts to speed that
25 up, if you possibly can, because he is aware of our

1 April trial date.

2 THE WITNESS: That's correct.

3 MR. PARKER: And you agreed, at the
4 direction of any counsel in the case, that you will
5 transmit to them or lodge with the court, as the
6 case may be, the original transcript in case the
7 need arises?

8 MS. BARTILSON: Prior to the completion of
9 the 30 days you mean?

10 MR. PARKER: Right.

11 MS. BARTILSON: Right.

12 MR. PARKER: And after that you will have it
13 at your office and you'll make it available?

14 MS. BARTILSON: That after Mr. Greene's
15 review is completed, he will forward it to my office
16 and I will remain the custodian and I'll make it
17 available to counsel.

18 THE WITNESS: That's correct. My address is
19 711 Sir Francis Drake Boulevard, San Anselmo, 94960.

20 MS. REPORTER: Would you like a copy,
21 Mr. Parker?

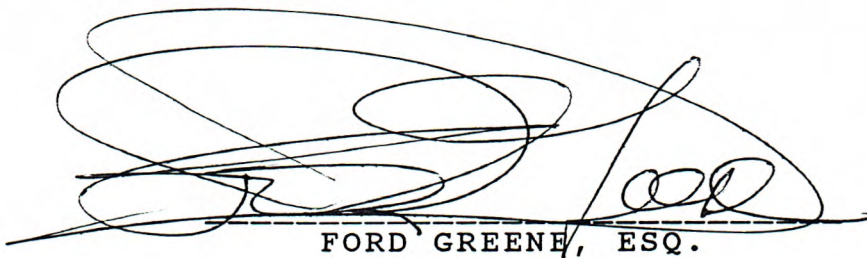
22 MR. PARKER: Yes.

23 (Ending time: 12:56 p.m.)
24
25

1 STATE OF CALIFORNIA)
2) SS.
3 COUNTY OF MARIN)
4
5

6 I, the undersigned, declare under penalty
7 of perjury that I have read the foregoing
8 transcript, and I have made any corrections,
9 additions, or deletions that was desirous of making;
10 that the foregoing is a true and correct transcript
11 of my testimony contained therein.

12 EXECUTED this 20th day of February,
13 1992, at San Anselmo, California.
14 (City)
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19 FORD GREENE, ESQ.
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REPORTER'S CERTIFICATE

I, SHEENAGH M. CARLSON, CSR NO. 8350,
Certified Shorthand Reporter, certify:

That the foregoing proceedings were taken
before me at the time and place therein set forth, at
which time the witness was put under oath by me;

That the testimony of the witness and all
objections made at the time of the examination were
recorded stenographically by me and were thereafter
transcribed;

That the foregoing is a true and correct
transcript of my shorthand notes so taken.

I further certify that I am not a relative or
employee of any attorney of any of the parties nor
financially interested in the action.

Dated this *February 8, 1992*

Sheenagh M. Carlson

Certified Shorthand Reporter

7. Greene
EXHIBIT NO. 1
2/5/92
S. CARLSON

FORD GREENE
1 Sir Francis Drake Blvd.
San Anselmo, California 94960-1949
Telephone: (415) 258-0360

Attorney for Plaintiffs
VICKI J. AZNARAN and RICHARD N. AZNARAN -

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT, STATE OF CALIFORNIA

VICKI J. AZNARAN and RICHARD N.
AZNARAN,

Plaintiffs,

VS.

CHURCH OF SCIENTOLOGY OF
CALIFORNIA, INC.; CHURCH OF
SPIRITUAL TECHNOLOGY, INC.;
SCIENTOLOGY MISSIONS INTERNATIONAL,
INC.; RELIGIOUS TECHNOLOGY CENTER,
INC.; AUTHOR SERVICES, INC.;
CHURCH OF SCIENTOLOGY INTERNATIONAL,
INC.; CHURCH OF SCIENTOLOGY OF
LOS ANGELES, INC.; MISSION OFFICE
WORLDWIDE; AUTHOR FAMILY TRUST;
THE ESTATE OF L. RON HUBBARD;
DAVID MISCAVIGE; and NORMAN
STARKEY

Defendants.

CASE NO. CV88-1786-WDK

SUBSTITUTION OF ATTORNEY

I, RICHARD N. AZNARAN, hereby substitute, in PRO PER, 703
McKinney Avenue, Suite 309, Dallas, Texas 75206, (214) 720-1414,
in place and stead of FORD GREENE, 7112 Sir Francis Drake Blvd.,
San Anselmo, California 94960-1949.

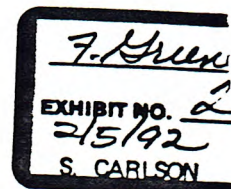
DATED: 6/11/91


RICHARD N. AZNARAN

I hereby consent to the foregoing designation

DATED: 6/7/91


FORD GREENE



FORD GREENE
711 Sir Francis Drake Blvd.
San Anselmo, California 94960-1949
Telephone: (415) 258-0360

Attorney for Plaintiffs
VICKI J. AZNARAN and RICHARD N. AZNARAN

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT, STATE OF CALIFORNIA

VICKI J. AZNARAN and RICHARD N.
AZNARAN,

Plaintiffs,

VS.

CHURCH OF SCIENTOLOGY OF
CALIFORNIA, INC.; CHURCH OF
SPIRITUAL TECHNOLOGY, INC.;
SCIENTOLOGY MISSIONS INTERNATIONAL,
INC.; RELIGIOUS TECHNOLOGY CENTER,
INC.; AUTHOR SERVICES, INC.;
CHURCH OF SCIENTOLOGY INTERNATION-
AL, INC.; CHURCH OF SCIENTOLOGY OF
LOS ANGELES, INC.; MISSION OFFICE
WORLDWIDE; AUTHOR FAMILY TRUST;
THE ESTATE OF L. RON HUBBARD;
DAVID MISCAVIGE; and NORMAN
STARKEY

Defendants.

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McKinney Avenue, Suite 309, Dallas, Texas 75206, (214) 720-1414,
in place and stead of FORD GREENE, 711^{1/2} Sir Francis Drake ^{Bld.} ~~D~~,
San Anselmo, California 94960-1949.

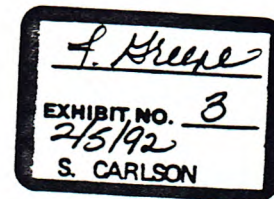
DATED: 6-11-91

Vicki Aznaran
VICKI J. AZNARAN

I hereby consent to the foregoing designation.

DATED: 6/7/91

FORD GREENE
FORD GREENE



1 HUB LAW OFFICES
2 Ford Greene, Esquire
3 California Bar No. 107601
4 711 Sir Francis Drake Boulevard
5 San Anselmo, California 94960-1949
6 Telephone: (415) 258-0360

7 Attorney for Plaintiffs
8 VICKI J. AZNARAN and
9 RICHARD N. AZNARAN

10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA

12 VICKI J. AZNARAN and RICHARD N.
13 AZNARAN,

14 Plaintiffs,

15 vs.

16 CHURCH OF SCIENTOLOGY OF
17 CALIFORNIA, et al.,

18 Defendants.

19 AND RELATED COUNTER CLAIM

No. CV-88-1786-JMI(Ex)

PLAINTIFFS' EX PARTE
APPLICATION FOR AN ORDER
ALLOWING PLAINTIFFS TO
RESPOND TO ALL PENDING
MOTIONS ON OR BEFORE
AUGUST 26, 1991; MEMORANDUM
OF POINTS AND AUTHORITIES
AND DECLARATION OF FORD
GREENE IN SUPPORT THEREOF

20 Plaintiffs VICKI J. AZNARAN and RICHARD N. AZNARAN
21 (hereinafter "Plaintiffs" or "Aznarans") hereby apply to this
22 Court, ex parte, for relief in a number of regards all of which
23 pertain to the pending motions that have been filed by defendants
24 over the course of the past two months.

25 Plaintiffs base this Ex Parte Application on the fact that at
26 the time said motions were filed, plaintiffs either were without
27 counsel, with counsel who was subsequently disqualified and all
28 papers filed by him stricken, or in the process of obtaining new

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1 counsel.

2 The legal basis for this Ex Parte Application is Federal R
3 of Civil Procedure 6 and Local Rule 7.3.2.

4
5 DATED: August 1, 1991

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7 

8 FORD GREENE
Attorney for Plaintiffs

9 DECLARATION OF FORD GREENE

10 FORD GREENE declares:

11 1. I am an attorney licensed to practice law in the Courts
12 of the State of California, am admitted to practice before this
13 court and am the attorney of record for Vicki J. Aznaran and
14 Richard N. Aznaran, plaintiffs herein.

15 2. On June 7, 1991, I acceded to the request of plaintiffs
16 and executed substitutions of attorney whereby both plaintiffs, i
17 pro per, were substituted in my place and stead.

18 3. On July 1, 1991, plaintiffs jointly filed the
19 substitutions which placed them in pro per, with additional
20 substitutions whereby attorney Joseph A. Yanny became attorney of
21 record.

22 4. On July 24, 1991, the Court vacated all of the
23 substitutions, reinstated Ford Greene as attorney of record, and
24 ordered that cause be shown by August 2 if plaintiffs desired to
25 substitute counsel. Additionally, the Court ordered that all
26 motions thereafter had to be noticed no later than August 19, 1991
27 and not exceed the 35 page limit.

28 ///

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(415) 286-0360

5. From June 19, through July 29, 1991 defendants served the following motions:

Srvc. Date	Hrg. Date	Nature of Motion	Pages of Memo	Pages of Exhibits
6/19/91	7/22/91	Summary Judgment Statute of Limitations	50 plus 22 page sep. statement	656
7/5/91	8/5/91	Summary Judgment First Amendment	98 plus 16 page sep. statement	926
7/29/91	8/19/91	Exclude expert's testimony	35	465
7/29/91	8/19/91	Sep. trial on issue of releases	16	114
7/29/91	8/19/91	To Dismiss	31 plus 6 page sep. brief	363
7/29/91	8/19/91	To Strike	11	15

6. Thus, while the Aznarans have been making efforts to find counsel possessing the requirements to try this extraordinary case, defendants have filed six motions the memoranda of which total 285 pages and the exhibits to which total 2,421 pages. This truly is a phenomenal amount of activity, particularly when the Aznarans' legal representation was, at best, unstable.

7. The first motion (for summary judgment on statute of limitations issues that is 72 pages in length) was filed shortly after the Aznarans were in pro per. The second motion (for summary judgment on First Amendment grounds that is 114 pages in length) was filed shortly after Yanny's interjection into the case. Without addressing the merits of any of the motions, the sheer size and timing thereof could not help but to stress plaintiffs' ability to prosecute their causes of action against defendants to the maximum.

8. On July 3, 1991, attorney Yanny on plaintiffs' behalf sought an ex parte order continuing the hearing on the statute of

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SAN ANGELO, CALIFORNIA 76901-1949
(415) 258-0380

1 limitations summary judgment motion for "at least sixty (60) days."
2 Plaintiffs' opposition thereto was to be filed and served on or
3 before July 8.

4 9. On July 9, 1991, attorney Yanny on plaintiffs' behalf
5 sought another ex parte order continuing the hearing on the First
6 Amendment summary judgment motion. Plaintiffs' opposition thereto
7 was to be filed and served on or before July 22.

8 10. I first became aware of the Court's Order reinstating me
9 as attorney of record on July 26. At that time, I was aware that
10 plaintiffs were in contact with Mr. Elstead with whom I understood
11 plaintiffs to be in negotiations to act as counsel in this case.
12 (The Court is respectfully requested to consider the ~~Declarations~~
13 of Ford Greene, John Clifton Elstead, Vicki J. Aznaran and Richard
14 N. Aznaran filed in conjunction with the Association of Counsel
15 filed concurrently herewith.)

16 11. On July 31, 1991, I met with Mr. Elstead and, with
17 plaintiffs' concurrence, we determined not to substitute me out and
18 Mr. Elstead in as attorney of record, but to associate him as trial
19 counsel. On the same day I obtained the case file from Mr. Elstead.
20 The file had been out of my possession ever since I had Federal
21 Expressed it to Los Angeles on June 27. Also on that date I spoke
22 with Tammy, the Court's clerk who advised me that the Court had
23 stricken all papers filed by Joseph A. Yanny as being moot in light
24 of the Court having vacated the Yanny substitution. Thus, the Court
25 would not be ruling on the ex parte applications, submitted by Mr.
26 Yanny, regarding defendants' two pending summary judgment motions.
27 Regretably, at that point, the time within which plaintiffs'
28 oppositions thereto should have been filed had expired.

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12. Prior to the exclusion of Yanny from the case, plaintiffs' ex parte requests for continuances of the hearing dates regarding the summary judgment motions were submitted in a timely fashion. With the vacation of the Yanny substitution having occurred after the date for opposition had passed, however, in consequence the Aznarans now stand in default.

13. With respect to the motions noticed for August 19, the oppositions thereto shall be served and filed on or before Monday, August 5, 1991.

14. There is no possible way that I can oppose the pending motions by August 5, not to mention the motions for summary judgment.

15. Based on the circumstances described above, plaintiffs respectfully request that they be allowed to and including August 26, 1991, to file their oppositions to all pending motions. While plaintiffs in all practicality would need more time to effectively oppose the motions, plaintiffs recognize that to ask for anything more would intrude way too far into the Court's capacity to consider the motions within the limit set by the September 16 Pre-Trial Conference and the October 15 Trial Date.

16. On this date I spoke with Laurie Bartilson, attorney for defendants, who advised me that defendants oppose the instant Ex Parte Application. Additionally, I left word with Julie, the secretary for attorney John Quinn, and advised her that I would be seeking relief through the instant application.

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1 Under penalty of perjury pursuant to the laws of the State of
2 California I hereby declare that the foregoing is true and correct
3 according to my first-hand knowledge, except those matters stated
4 to be on information and belief, and as to those matters, I believe
5 them to be true.

6 Executed on August 1, 1991, at San Anselmo, California.

7 
8 FORD GREENE
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12 MEMORANDUM OF POINTS AND AUTHORITIES

13 As set forth above, extraordinary circumstances exist which
14 have resulted in the Aznarans being in default as to two summary
15 judgment motions, and at the threshold of default concerning the
16 remaining four motions. Thus, the Aznarans' failure to file papers
17 in opposition to the two pending summary judgment motions "may be
18 deemed by the Court [as] consent to the granting of the motion."


19 Local Rule 7.9.

20 This Court has the authority pursuant to the Federal Rules or
21 the Local Rules to enlarge time before or after the date by which
22 opposition papers are to have been filed. F.R.Civ.P. 6, Local Rule
23 7.3.2.

24 Plaintiffs thus respectfully request, based upon the
25 procedural history of this case over the course of the past two
26 months, the Court grant their application and issue its order
27 allowing plaintiffs to file opposing papers to all outstanding
28 motion provided that such papers be filed and served on or before
August 26, 1991.

1 DATED: August 1, 1991

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4 FORD GREENE
Attorney for Plaintiffs

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711 8th Street
SAN ANSELMO, CALIFORNIA 94060-1949
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PROOF OF SERVICE

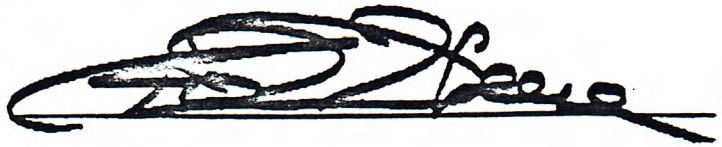
I am employed in the County of Marin, State of California. I am over the age of eighteen years and am not a party to the above entitled action. My business address is 711 Sir Francis Drake Boulevard, San Anselmo, California. I served the following

documents: PLAINTIFFS' EX PARTE APPLICATION FOR AN ORDER ALLOWING PLAINTIFFS TO RESPOND TO ALL PENDING MOTIONS ON OR BEFORE AUGUST 26, 1991; MEMORANDUM OF POINTS AND AUTHORITIES AND DECLARATION OF FORD GREENE IN SUPPORT THEREOF; PROPOSED ORDER

on the following person(s) on the date set forth below, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid to be placed in the United States Mail at San Anselmo, California: SEE SERVICE LIST

<input checked="" type="checkbox"/>	(By Mail)	I caused such envelope with postage thereon fully prepaid to be placed in the United States Mail at San Anselmo, California.
<input type="checkbox"/>	(Personal Service)	I caused such envelope to be delivered by hand to the offices of the addressee.
<input type="checkbox"/>	(State)	I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
<input checked="" type="checkbox"/>	(Federal)	I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

DATED: August 1, 1991



HUB LAW OFFICES
FORD GREENE, ESQUIRE
711 S.W. 4TH DR. DRAKE BOULEVARD
SAN ANSELMO, CALIFORNIA 94960-1949
(415) 258-0360

HUB LAW OFFICES
Ford Greene, Esquire
California Bar No. 107601
711 Sir Francis Drake Boulevard
San Anselmo, California 94960-1949
Telephone: (415) 258-0360

Attorney for Plaintiffs
VICKI J. AZNARAN and
RICHARD N. AZNARAN

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

VICKI J. AZNARAN and RICHARD N.
AZNARAN;

Plaintiffs,

vs.

CHURCH OF SCIENTOLOGY OF
CALIFORNIA, et al.,

Defendants.

AND RELATED COUNTER CLAIM

No. CV-88-1786-JMI (Ex)

[Proposed] ORDER ON
EX PARTE APPLICATION RE:
MOTIONS

Having considered plaintiffs' ex parte application for an
Order allowing them to and including August 26, 1991, to file their
oppositions to all of defendants' outstanding motions, and having
consider the opposition thereto,

GOOD CAUSE appearing the Court hereby GRANTS plaintiffs' ex
parte application and ORDERS all plaintiffs' oppositions to all
defendants' pending motions shall be filed and served on or before
August 26, 1991.

///

1 DATED:

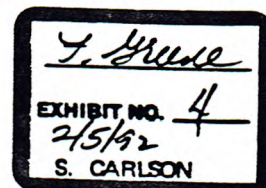
2
3 United State District Judge

4
5
6 Proposed Order Submitted By:

7 

8 FORD GREENE

9 Attorney for Plaintiffs



HUB LAW OFFICES
Ford Greene, Esquire
California Bar No. 107601
711 Sir Francis Drake Boulevard
San Anselmo, California 94960-1949
Telephone: (415) 258-0360

Attorney for Plaintiffs
VICKI J. AZNARAN and
RICHARD N. AZNARAN

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

VICKI J. AZNARAN and RICHARD N.
AZNARAN,

Plaintiffs,

vs.

CHURCH OF SCIENTOLOGY OF
CALIFORNIA, et al.,

Defendants.

AND RELATED COUNTER CLAIM

No. CV-88-1786-JMI(Ex)

DECLARATION OF FORD GREENE
REGARDING ALLEGED "TAINT"
OF JOSEPH A. YANNY, ESQUIRE

Date: September 9, 1991
Time: Discretionary
Ct: Hon. James M. Ideman

FORD GREENE declares:

1. I am an attorney licensed to practice law in the Courts
of the State of California, am admitted to the Bar of this Court,
and am the attorney of record for Vicki J. Aznaran and Richard N.
Aznaran, plaintiffs herein.

2. Defendants, and their counsel, have recently submitted an
increasingly shrill litany of degrading aspersions regarding the
nature of my alleged affiliation with defendants' former lawyer,
Joseph A. Yanny. The purpose of this declaration is respond

1 thereto in a general manner because a point by point refutation is
2 not worth the time, effort and trouble required to articulate.

3 3. The suggestion, much less the claim, that I am somehow
4 the puppet of Yanny is ludicrous. In short, my response to the
5 allegations of defendants regarding the Yanny taint and the extent
6 to which it has been alleged to be spread on me is as follows:
7 My writing in this case has thus far been stylistically and
8 substantially consistent. As the court will note from my
9 opposition to Scientology's initial summary judgment motion (with
10 the exception of the injudicious use of the term "Cult") in this
11 case to my most recent oppositions, I have a particular style of
12 legal expression that is my own. The content and approach thereof
13 is relatively consistent. The hand that so writes is mine, not Mr.
14 Yanny's.

15 4. I was responsible for articulating the theory which the
16 California Supreme Court in Molko v. Holy Spirit Association (1988)
17 46 Cal.3d 1096 found persuasive. That theory primarily deals with
18 the interrelationship between deceit and coercion as those
19 ingredients impact upon an individual's ability to reason and
20 capacity to exercise an informed consent to organizational
21 affiliation. I am convinced that "brainwashing" is the intentional
22 and deliberate application of specific and identifiable techniques
23 designed to undermine an individual's ability to reason and
24 severely impair his capacity to exercise an informed consent so as
25 to replace those volitional ingredients with an indiscriminate and
26 unconditional obedience to the commands of the leadership. I
27 understand the manner in which brainwashing attacks an individual's
28 sense of identity and achieves dominance of such individual. I am

1 convinced that a coercive, closed group or "cult" is a group of
2 people, often masquerading in the guise of a religion, the members
3 of which are unconditionally and indiscriminately obedient to the
4 commands of a single leader who claims to have a direct
5 relationship with God, or some greater-than-human source of
6 authority.

7 5. In varying ways, and from different points of reference,
8 my participation in the case at bar has involved the application,
9 within the confines of the law, of the specialized knowledge I
10 possess having to do the deceit and undue influence practiced by
11 the Scientology organization. I believe my analysis in this
12 regard, as it has been expressed in writing in this case, is
13 ascertainable and has been consistent during the pendency of the
14 case at bar. Joseph Yanny never has had anything to do with the
15 way I think and the manner in which I apply and/or express the
16 knowledge I possess.

17 6. I have met with John Koresko on a Saturday and Sunday in
18 early August. In assisting Mr. Yanny accomplish the transition of
19 the case back to my office, he delivered to me papers that had been
20 filed in this matter during the period that Yanny was attorney of
21 record (including papers, filed by defendants, which falsely stated
22 that I had been in a rehabilitation facility for substance abuse).
23 Mr. Koresko offered his assistance in helping me get up to speed.
24 I provided Mr. Koresko with copies of Scientology's table of
25 authorities extracted from each of its six pending motions and sent
26 him to the Marin County Law Library with instructions to make
27 photocopies of each of the cases that was not a California case (I
28 have a full-service California law library). I received no

1 litigation instructions of any sort from Koresko, Yanny originated
2 or otherwise.

3 7. I am grateful for the on-going assistance that I have
4 received from Gerry Armstrong. While I have worked - at times
5 around the clock - he has assembled the products of my labors and
6 ensured that they were prepared for filing and service. I have
7 received no Yanny originated suggestions regarding how to litigate
8 against Scientology from Armstrong and the suggestion that he is
9 Yanny's shill and that I am the dupe of both is laughable.

10 8. I am informed and believe and allege thereon that
11 defendants have in the past, and will continue in the future, to
12 exploit their fallen relationship with their former attorney as a
13 manner of attempting to obfuscate the real issues in the case at
14 bar. It is more expedient for Scientology to cry wolf and attempt
15 to engender sympathy than to meet the issues head on and fight
16 clean.

17 9. During my participation in the instant litigation, my
18 office, my home, the home of girlfriend and her person have been
19 the subjects of repeated and on-going surveillance. In spring
20 1989, Scientology operatives rented an apartment unit across the
21 street from my office in order to maintain around-the-clock
22 surveillance of me, my clients and friends. During the last month
23 the street in front of my office and the parking lots across the
24 street have been crawling with Scientology investigators with their
25 cameras, video-cameras, binoculars, cellular telephones and yellow
26 legal pads. My neighbors have expressed fear to me regarding the
27 meaning of such activities. Scientology, through its chief
28 "investigator" Eugene Ingram, has managed to generate

1000 LAW OFFICE
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711 BIR FRANCIS DRIVE, BOULVARD
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(415) 286-3360

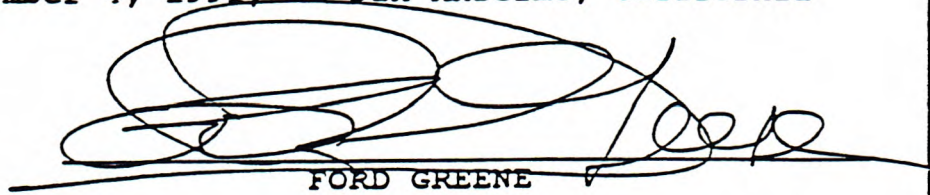
1 investigations of me by the F.B.I., Los Angeles County District
2 Attorney's Office and State Bar for allegedly committing perjury in
3 what I am informed and believe has been an effort to obtain my
4 "disqualification" from representing the Aznarans, or subject me to
5 retribution for being so bold as to stand in opposition to the
6 Scientology organization. I am informed and believe that the
7 reason that Eric Lieberman telephoned me in February or March 1991
8 in order to seek a stipulated continuance of the April 9 trial date
9 in the case at bar was so that Ingram would have enough time to
10 generate a criminal prosecution against me. I am informed and
-11 believe that no such prosecutions will be forthcoming. I am
12 informed and believe that in the spring of 1989 Scientology
13 operatives searched through my office garbage, in order to find the
14 names of cases, clients, and opposing counsel whom then were
15 contacted in an attempt to stir up trouble for me; I have been
16 contacted by such people who have reported such activities to me.

17 10. I am losing patience with the tactics of my adversaries.
18 I assure the court that the moral conviction required to endure
19 such extra-judicial harassment, and work around the clock
20 responding to the pounds of motions filed by Scientology, would
21 never exist were I another man's puppet.

22 11. I am my own man and do not consult with Joseph Yanny
23 concerning litigation strategies in this case.

24 Under penalty of perjury pursuant to the laws of the United
25 States I hereby declare that the foregoing is true and correct
26 according to my first-hand knowledge, except those matters stated
27 to be on information and belief, and as to those matters, I believe
28 them to be true.

Executed on September 4, 1991, at San Anselmo, California


FORD GREENE

FORD GREENE, ESQUIRE
711 BIR FRANCIS DRIVE, BOULVARD
SAN ANSELMO, CALIF. A 94060-1848
(415) 286-360

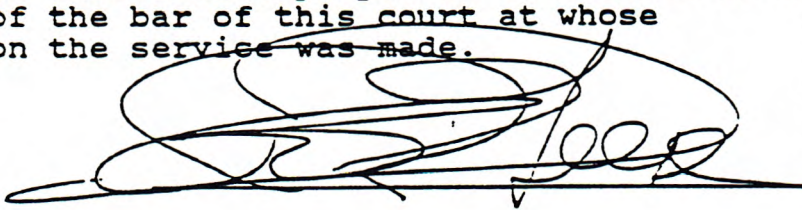
1000 LAW OFFICE
FORD GREENE, ESQUIRE
711 SIR FRANCIS DRAKE BOULEVARD
SAN ANSELMO, CALIF. 94060-1848
(415) 280-1313

PROOF OF SERVICE

I am employed in the County of Marin, State of California. I am over the age of eighteen years and am not a party to the above entitled action. My business address is 711 Sir Francis Drake Boulevard, San Anselmo, California. I served the following documents: DECLARATION OF FORD GREENE REGARDING ALLEGED "TAINT" OF JOSEPH A. YANNY, ESQUIRE on the following person(s) on the date set forth below, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid to be placed in the United States Mail at San Anselmo, California: SEE ATTACHED SERVICE LIST

- [X] (By Mail) I caused such envelope with postage thereon fully prepaid to be placed in the United States Mail at San Anselmo, California.
- [] (Personal Service) I caused such envelope to be delivered by hand to the offices of the addressee.
- [] (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- [X] (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

DATED: September 4, 1991



AZNARAN vs. SCIENTOLOGY

Service List

JOHN C. ELSTEAD
Clifton, Polson & Elstead
6140 Stoneridge Road
Suite 500
Pleasanton, California 94588

EARLE C. COOLEY
Cooley, Manion, Moore & Jones, P.C.
21 Custom House Street
Boston, Massachusetts 02110

ERIC LIEBERMAN
Rabinowitz, Boudin, Standard,
Krinsky & Lieberman, P.C.
740 Broadway at Astor Place
New York, New York 10003-9518

WILLIAM T. DRESCHER
23679 Calabasas Road, Suite 338
Calabasas, California 91302

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740 Broadway at Astor Place
New York, New York 10003-9518

LAURIE J. BARTILSON
Bowles & Moxon
6255 Sunset Boulevard, Suite 2000
Hollywood, California 90028

JAMES H. BERRY, JR.
2049 Century Park East
Suite 2750
Los Angeles, California 90067

JOHN J. QUINN
Quinn, Kully & Morrow
520 South Grand Avenue
8th Floor
Los Angeles, California 90071

JOSEPH A. YANNY, ESQ. - Bar No. 97979
 LAW OFFICES OF JOSEPH A. YANNY
 1925 Century Park East, Suite 1260
 Los Angeles, California 90067
 (213) 551-2966

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
 FOR THE CENTRAL DISTRICT OF CALIFORNIA

VICKI J. AZNARAN, and)	CV 88-1786 JMI (Ex)
RICHARD N. AZNARAN,)	
)	
Plaintiffs,)	
)	DECLARATION OF
vs.)	VICKI J. AZNARAN
)	
CHURCH OF SCIENTOLOGY OF)	
CALIFORNIA, ET AL.)	
)	
Defendants.)	
)	
AND RELATED COUNTERCLAIMS)	

I, Vicki J. Aznaran, declare and state:

1. I am a Plaintiff in the above-entitled action.

2. This declaration is being made in support of
 Plaintiffs' Ex Parte Application for an Order Continuing the
 Hearing date on Defendant's Motion for Summary Judgement. The
 matters stated herein are of my own personal knowledge, and if
 called, I could testify to them under oath.

3. Within the last two weeks, I have had a series of
 conversations with Barry Van Sickle concerning one John J.
 Quinn who is an attorney for Defendant Scientology.

//

1 4. Mr. Van Sickle called me and initially indicated that
2 Scientology, through Mr. Quinn, wanted to settle, or at least
3 enter into negotiations to resolve the above-entitled action
4 against Scientology.

5 5. Mr. Van Sickle indicated that Quinn stated the only
6 requirement for settlement talks was they did not want to
7 negotiate or deal with the my then-attorney, Ford Greene.

8 6. Mr. Van Sickle indicated that Quinn had stated he
9 would, negotiate with Barry if he was in a position to
10 negotiate a settlement for the Aznarans.

11 7. Mr. Van Sickle had previously been my lawyer in this
12 action.

13 8. Subsequent to my conversation with Mr. Van Sickle,
14 Mr. Greene was released from his present duty to represent me
15 and I authorized Mr. Van Sickle to negotiate for me with
16 Scientology.

17 9. I am informed that Mr. Van Sickle delivered my request
18 for further negotiations to Quinn.

19 10. Mr. Van Sickle indicated that Quinn said Scientology
20 had changed its mind, that they did not care to enter into any
21 negotiations

22 11. Within days of my release of Mr. Greene as counsel,
23 and Scientology's withdrawn offer, the Scientology Defendants
24 filed a Motion for Summary Judgment, scheduled to come on for
25 hearing in this court on July 22, 1991.

26 12. Joseph A. Yanny has agreed to come into the action
27 and to represent me.

28 ///

1 13. Mr. Greene has all the case files in his possession
2 and is supposed to have them delivered to Mr. Yanny.

3 I declare under penalty of perjury under the laws of
4 the United States that the foregoing is true and correct and
5 based upon my personal knowledge and, if called as a witness,
6 will testify to the same.

7 Executed this 1st day of July, 1991, at Dallas, Texas.

8
9
10 
11 Vicki J. Azharian

L2547/LIT44:356

1 JOSEPH A. YANNY, ESQ. - Bar No. 97979
2 LAW OFFICES OF JOSEPH A. YANNY
3 1925 Century Park East, Suite 1260
4 Los Angeles, California 90067
5 (213) 551-2966

6 Attorneys for Plaintiffs

7 UNITED STATES DISTRICT COURT
8 FOR THE CENTRAL DISTRICT OF CALIFORNIA

9
10 VICKI J. AZNARAN, and) CV 88-1786 JMI (Ex)
11 RICHARD N. AZNARAN,)
12 Plaintiffs,)
13 vs.) DECLARATION OF
14 CHURCH OF SCIENTOLOGY OF) RICHARD N. AZNARAN
15 CALIFORNIA, ET AL.)
16 Defendants.)
17
18 AND RELATED COUNTERCLAIMS)

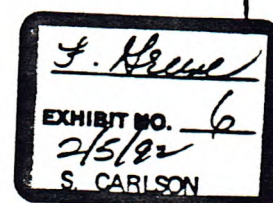
19 I, Richard N. Aznaran, declare and state:

20 1. I am a Plaintiff in the above-entitled action.

21 2. This declaration is being made in support of
22 Plaintiffs' Ex Parte Application for an Order Continuing the
23 Hearing date on Defendant's Motion for Summary Judgement. The
24 matters stated herein are of my own personal knowledge, and if
25 called, I could testify to them under oath.

26 3. Within the last two weeks, I have had a series of
27 conversations with Barry Van Sickle concerning one John J.
28 Quinn who is an attorney for Defendant Scientology.

//



L2547/LIT44:356

1 4. Mr. Van Sickle called me and initially indicated that
2 Scientology, through Mr. Quinn, wanted to settle, or at least
3 enter into negotiations to resolve the above-entitled action
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5 5. Mr. Van Sickle indicated that Quinn stated the only
6 requirement for settlement talks was they did not want to
7 negotiate or deal with the my then-attorney, Ford Greene.

8 6. Mr. Van Sickle indicated that Quinn had stated he
9 would, negotiate with Barry if he was in a position to
10 negotiate a settlement for the Aznarans.

11 7. Mr. Van Sickle had previously been my lawyer in this
12 action.

13 8. Subsequent to my conversation with M. Van Sickle, Mr.
14 Greene was released from his present duty to represent me and I
15 authorized Mr. Van Sickle to negotiate for me with Scientology.

16 9. I am informed that Mr. Van Sickle delivered my request
17 for further negotiations to Quinn.

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19 had changed its mind, that they did not care to enter into any
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21 11. Within days of my release of Mr. Greene as counsel,
22 and Scientology's withdrawn offer, the Scientology Defendants
23 filed a Motion for Summary Judgment, scheduled to come on for
24 hearing in this court on July 22, 1991.


25 12. Joseph A. Yanny has agreed to come into the action
26 and to represent me.

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Executed this 1 day of July, 1991, at Dallas, Texas.


Richard N. Aznaran

DECLARATION OF BARRY VAN SICKLE

I Barry Van Sickle hereby declare and state:

1. I am a partner in the firm of Cummins & White and admitted to practice law in the State of California. I make the following declaration from personal knowledge and offer this declaration in lieu of a deposition which has been requested by at least one of the lawyers involved in this matter.

2. Over the last several years I have represented several plaintiffs and several defendants in litigation with the Church of Scientology. One such plaintiff was Bent Corydon whose case was scheduled to go to trial in 1991. I was also the lawyer who commenced litigation on behalf of Vicki and Richard Aznaran against various entities identified or affiliated with the Church of Scientology. Several years ago I was disqualified by Judge Idema from representing the Aznarans in that case.

3. On or about June 5, 1991, I had a settlement meeting with Jack Quinn and William Drescher. Prior to that meeting there had been various discussions between me and counsel for the Church of Scientology involving the possibility of settling the Corydon case.

4. When I met with Mr. Quinn and Mr. Drescher on the morning of June 5, one of the first comments made by Mr. Quinn, believe, was to the effect that the good news was that he had increased settlement figures in authority. The caveat was that he

1 was instructed not to spend it unless he could settle both the
2 Corydon and Aznaran cases.

3 5. At about this time, Mr. Drescher stated that they saw
4 no particular problem in conveying this joint offer to me because the
5 Aznarans would probably want to talk it over with me in any event.
6 My response to that was that that was probably true. This was
7 especially so since the offer was made in a joint context and I
8 anticipated that the Aznarans would want to know the amount that was
9 being offered to them and the total amount that was on the table.

10
11 6. It is my recollection that the discussion about Ford
12 Greene happened slightly later in the conversation than depicted in
13 the declarations of Mr. Drescher and Mr. Quinn. It is also my
14 recollection that one of the factors mentioned by either Quinn or
15 Drescher in their client's evaluation of the settlement value of the
16 Aznaran case was their evaluation of the abilities of their attorney,
17 Ford Greene. I indicated that it was my understanding that the
18 Aznarans were in the process of replacing Ford Greene with another
19 attorney, C. Tony Wright. I also indicated at this or some other
20 time that I thought it was appropriate for me to move for a
21 reconsideration of my disqualification given my belief that the Yanni
22 trial had resulted in a substantial waiver of privilege and change of
23 circumstance.

24
25 7. Mr. Drescher did state that his clients were
26 proceeding with the understanding that they would proceed with such
27 settlement discussions only with the understanding that I would not
28 attempt to use that as one basis for seeking a reconsideration of my

1 disqualification in the Aznaran case. I agreed with that and
2 expressed the view that as a practical matter any advantage to be
3 gained by making such a declaration was relatively unimportant when
4 compared to the possibility of going forward with serious settlement
5 discussions.

6
7 8. When Mr. Quinn presented the settlement figure he did
8 state that there was not a lot negotiating room especially with
9 respect to the Aznaran figure. I considered this to be the usual
10 posturing frequently presented with an opening offer. However, given
11 my experience with Mr. Quinn's clients, I also expected that
12 successive increases in the settlement offers would come slowly and
13 in relatively small increments. I do not recall Mr. Quinn saying
14 that it was a take it or leave it offer. However, it is possible
15 that he may have said that as part of the usual disclaimers that
16 considered to be posturing.

17
18 9. Between the June 5 and June 20 meetings I had one or
19 more discussions with Mr. Quinn concerning settlement. Among other
20 things, I informed him that the amount then on the table would not
21 settle either of the cases individually. It is my recollection that
22 I informed Mr. Quinn by telephone that his client would have to be
23 willing to negotiate in the seven figure range to accomplish
24 settlement with Aznarans. Mr. Quinn stated in a phone conversation
25 that he was certain that his client would not pay in excess of \$
26 million for the Aznaran case.

1 10. I do not recall making a settlement demand at the
2 second meeting of June 20 on behalf of the Aznarans. It is my
3 recollection that in previous discussions the view had been expressed
4 that since the joint offer would not be acceptable, the Church of
5 Scientology wanted to first settle the Corydon case and would then
6 consider settling other cases including the Aznaran case and possibly
7 the Yanny case. At the June 20 meeting, I believe I made an inquiry
8 as to whether it was then possible to proceed with negotiations in
9 the Aznaran case. Both Mr. Quinn and Mr. Drescher indicated that the
10 amount previously offered was not technically still on the table.
11 Both also commented that they were relatively certain that if the
12 Aznarans would take the amount previously offered they were
13 relatively sure they could get that authority from their client.

14

15 11. At the June 20 meeting, there was a discussion
16 concerning why the Aznarans fired Ford Greene. I believe there was
17 also some discussion to the effect that some of this would probably
18 surface in my then contemplated motion to seek a reconsideration of
19 my disqualification in that case.

20

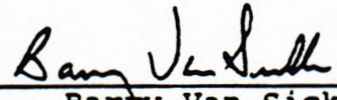
21 12. In my discussions with Mr. Drescher and Mr. Quinn and
22 other counsel for the Church of Scientology, it was clearly implied
23 that they had little respect for Mr. Greene and that they were well
24 aware of the strained relationship between the Aznarans and Mr.
25 Greene. However, neither Mr. Quinn or Mr. Drescher made the firing
26 of Mr. Greene a condition of settlement discussions.

27

28

1 I declare under the penalty of perjury that the foregoing
2 is true and correct.

3
4 Executed this 23 day of January, 1992 at Los Angeles,
5 California.

6
7
8 
9 Barry Van Sickle